

# A STUDY OF PANCHAYATS IN MADRAS

BY

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## FOREWORD

For an all-round development of village life, three institutions are essential—a School as a centre for education and culture, a Co-operative Society for economic development and a Panchayat for social and political administration.

Of late, interest in the institution of the Panchayat is reviving, but the literature on the subject is not adequate. With this in view, we planned a comprehensive study of the working of Village Panchayats in India and requested the various Governments and other agencies to prepare a study of the working of the Panchayat in their respective areas on a uniform basis. Sri N. Gopalaswamy Iyengar had agreed to edit the volume.

Unfortunately we could not get sufficient response from some of the Provinces and States, while the studies received from some others did not come up to the standard. Hence we had to give up our main objective of having a comprehensive study describing conditions all over India. We have therefore selected for publication the Madras Study prepared by Mr. K. Jayaraman, M.A., M.Litt., (District Panchayat Officer, Madras, and for some-time Special Panchayat Officer to the Government of Madras), as one which is very carefully prepared and deals with every aspect of the Panchayat system. It has received also the approval of the Madras Government.

We propose to pursue the study of the Panchayat in other parts of India and publish the studies in due course.

Bombay,  
1st August, 1947.

MANILAL B. NANAVATI,  
*President,*  
The Indian Society of Agricultural Economics.



#### AUTHOR'S NOTE

Considerable attention is being paid all over India to rural development and reconstruction and practically all the major Provinces and States have schemes, ambitious or modest, directed towards this end. In Madras, the Provincial Government have launched an intensive rural uplift campaign and are planning to amend and consolidate the law relating to Village Panchayats in the Province with a view to fostering their growth as autonomous units and furthering the development of rural self-government. But while there is a general recognition that the Village Panchayat, being an indigenous institution suited to the genius of the people, will be an effective organ for carrying out the ameliorative schemes for the welfare of the rural population, there is a good deal of loose thinking about the role of Panchayats and the scope of their utility in rural life. In several respects, the evolution of Panchayats in Madras and the nature of their problems are typical of their development all over the country. A study of the movement in this Province and the lines on which it may be developed here may therefore serve to throw some light on the course it should take in India as a whole.

Unfortunately, no systematic attempt at a detached scientific study of the institution in all its fundamentals and in its past and present setting seems to have been made so far. Even the recently published book *A Guide to Panchayat Administration* by K. Viswanatham looks like an official manual dealing with the provisions of law, rules and regulations rather than a critical study of the principles and practice of Panchayat administration. I am therefore indebted to the Indian Society of Agricultural Economics, Bombay, for having given me an opportunity to bring out such a work which is the product of my study of the institution for nearly a decade now.

As a Research Scholar of the University of Madras (1937-40), I made a study of Panchayats, as well as of other local bodies in the Province and published some papers on the subject. But the opportunity for a close first hand study of the working of Panchayats and rural welfare problems was given to me in an ample measure during the period of my service as District Panchayat Officer. (1943-1946) in two districts of the Province (Trichinopoly and South Arcot). And when I was appointed, towards the end of 1946, Special Officer to the Government of Madras for drafting the outlines of a Bill on Panchayats, I had greater opportunities for reviewing, with the help of official records, Panchayat administration over the whole Province at Government level. Incidentally, I was able to study the working of the newly formed village Food Committees in the Province, as I was also in charge of that work at the Provincial Secretariat.



My thanks are due to Prof. K. A. Nilakanta Sastri and Prof. M. Venkatarangaiya—both of whom I have quoted liberally in the work—for having gone through the manuscript and offered their suggestions, and to my uncle, Prof. K. C. Ramakrishnan of the Agricultural College, Coimbatore, for having read through the manuscript and also the proof and offered, at every stage, his suggestions for improvement. While acknowledging the help thus received, I must say that I am alone responsible for what is contained in the pages of this work—facts as well as opinions.

Above all, I must acknowledge my indebtedness to Sri N. Gopalaswami Ayyangar for his illuminating Introduction. He is in many ways the father of the Panchayat movement in the Province and has shaped its course to a large extent. His word of advice and encouragement to this first attempt at a treatise on the subject have been of special value to me.

I am also grateful to the Government of Madras for having permitted the publication of this work and to the G. S. Press for its very neat execution.

Salem,  
15th November, 1947.

K. JAYARAMAN

## INTRODUCTION

BY

THE HON'BLE MR. N. GOPALASWAMI AYYANGAR

I consider it a pleasure to contribute this Introduction to the Monograph on Panchayats in Madras. When Sir Manilal Nanavati broached to me the idea of bringing out a series of monographs on the working of Panchayats in the different Provinces and Indian States, I welcomed it and participated in the steps that were taken to implement the effort which the Indian Society of Agricultural Economics initiated in this direction. The effort has not produced as expeditious results as one could have wished, but I am glad that the first of the monographs to be published by the Society is one on Panchayat administration in my own Province. It is a matter of peculiar gratification to me because I was intimately associated with the enacting of the legislation that in 1920 was passed in Madras for starting this movement, and immediately afterwards I took charge myself of the work connected with the establishment and working of Panchayats.

I have always held that a statutory organization in each village enabling the villagers to look after the administration of their own affairs is of primary importance in the building up of democratic self-government in this country. The response which one could evoke from the residents of villages to approaches to them in this direction was both healthy and whole-hearted during the time that I was connected with the administration of these institutions. There are about 7,000 Panchayats now in the Madras Province and, if to-day there are not more and the working of several of those that exist is not as satisfactory as one could have expected after all these years, the blame does not primarily attach to our brethren in the villages; it should rather be traced to the narrow vision of already established Government departments and the mishandling of this vital village institution by many of those who have, for the last quarter of a century, been engaged in public affairs.

Village faction is no doubt there, but the surest method of eliminating it is to give villagers of different factions, based upon community, religion and personal spite, the opportunity of coming together for devising measures for the betterment of every individual in the village. The organization for the provision of these opportunities has not either been there or has been tackled with an amount of suspicion and lack of confidence which it did not deserve. The coming of Independence to the Nation as a whole should make an enormous difference in the approach of leading public men to the restoration of real self government to our villages. The responsibility for the development of village life should be thrown on the shoulders of a representative,

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## CHAPTER I

### VILLAGE ASSEMBLIES IN ANCIENT SOUTH INDIA

The village in South India, despite the vicissitudes that have marked its history in the course of the wars waged by the Hindu and Muslim conquerors and later by the Europeans, had preserved its traditional features with extraordinary pertinacity right down to the period of the establishment of British rule, when the vitality of village institutions struck many an observer of the time. Their origin and early history are not clear, although their general prevalence and development from the eighth to the twelfth century A.D. over the whole of Southern India including the Chera, Karnataka and Telugu Kingdoms are widely attested by numerous inscriptions. Social and religious gatherings of the people in what was known as the *Manram* (the open space in the centre of the village where people met under the shade of a tree) appear to have been a regular feature of rural life in ancient times, and in the absence of any conscious recognition in the organization of a primitive community of the political as distinct from other aspects of village life, it is probable that such matters as the settlement of a civil dispute, the punishment of crime or the purchase and sale of land, also engaged the attention of such popular gatherings.<sup>1</sup>

#### Organization of Early Village Communities

It is from the South Indian inscriptions of the close of the eighth century A.D. relating to the Pandya and Pallava Kingdoms that we get the earliest specific references to village *Sabhas* in the Tamil Nad. Significantly enough, in the descriptions of the ancient village assemblies contained in the several South Indian inscriptions, little or no reference is made to the word '*Panchayat*'. There is no evidence also to show that the number of those who constituted the body was strictly limited to five as the word indicates. The term must only be taken to denote an association of people for doing administrative or judicial work—either a general meeting of the inhabitants as a whole or a committee of persons selected from among them, according as organization developed and necessity arose.

The *Sabha* or *Mahasabha*, strictly so called, was the assembly composed purely of Brahmin villages which usually had names ending in *Chaturvedi-mangalam*, and it is of this class of villages and their administration that we know most. There were also assemblies called the *Ur*, which appears to have

1. *Studies in Chola History and Administration*—K. A. Nilakanta Sastri, p. 76; *The Cholas*—Vol. I, K. A. Nilakanta Sastri, Pp. 84-85.



been a kind of primitive organization of the local people, probably the descendant of the earlier *Manram*, existing in some cases side by side with the *Sabha*; the *Nagarathar*, apparently assemblies of the mercantile classes performing functions very similar to those of the *Sabha* and the *Ur* in other places; and *Nattar*, people of an administrative division (*Nadu*) larger than the village but smaller than the *Mandalam*. Although it is clear that there were different kinds of assemblies corresponding to differences in the nature of the villages concerned, we do not have clear knowledge yet as to their constitution, particularly of the *Nadu* and the *Mandalam*, the scope of their work or the procedure adopted at their meetings. However, the assemblies other than the *Sabha*, barring of course non-territorial bodies of the nature of guilds and military clubs to which admission was governed by different considerations, do not appear to have been other than general meetings of the people concerned, including within themselves all classes without distinction of caste.<sup>2</sup> This is attested by the Madras Epigraph Report for 1912-13, according to which there were in South India in the tenth century A.D. village assemblies which "appear to have consisted of all the residents of a village including cultivators, professionals and merchants", and again by an inscription in the Tanjore District of King Rajaraja Chola I (A.D. 985-1013) which mentions forty villages where "the villagers as a body seemed to have managed their affairs".<sup>3</sup>

By far the fullest account we have of early village communities in South India is furnished by the Chola inscriptions of the tenth century A.D., the most important being the celebrated Uttaramerur inscriptions in the Chingleput district. Uttaramerur is at a distance of about fifty miles to the south-west of Madras City, and is to-day a small and apparently flourishing town with a population of 12,000 or more and a Panchayat Board created under modern legislation. The site of the modern town has been in continuous occupation for more than twelve thousand years, and the inscriptions of this place furnish a striking, though not unique, example of the continuity of social life amidst political changes, the village *Sabha* contributing the element of continuity in local life through such changes. In the striking words of Professor Nilakanta Sastri, "The existence by the side of the *Sabha* of numerous corporations, religious and local, some doubtless economic also, and the way in which they dominated some little corner or other in the local polity is one of the most significant and well-attested facts of medieval life in Uttaramerur. It was a veritable network of diverse jurisdictions and liberties, not always clearly marked off from one another. The *Sabha* was indeed the most considerable among them all; but it had to respect the privileges, even the susceptibilities of the numerous other *ganas* and associations of a voluntary and quasi-public

2. *Studies in Chola History and Administration*—K. A. Nilakanta Sastri, p. 81.

3. *Archeological Survey of India*—Report for 1904-1905, p. 130.

character, of the hereditary caste and trade corporations and so on, and might itself be called upon to explain its default in particular matters by the associations affected by it. Almost every sphere of life was so dominated by group organizations that the individual was of little account and had to function through some group or other. There was no written law or even a distinctly formulated principle intended to govern the conduct of these groups; they acted for the most part in their separate spheres of social work and came together occasionally for considering specific questions of common concern. In this manner they found it possible to evolve a workable procedure to secure mutual understanding and adjustment. And in the days when there existed an organized central government not altogether lacking in executive strength—this was the rule under the Chola Kings—the power of the king and his officials was a sort of reserve in the background to be drawn upon when the forces of legal regulation failed to function properly or, in extreme cases, broke down altogether”.<sup>4</sup>

#### Constitution of the Sabha

The main feature about Uttaramerur was the existence of several small committees for local administration of the village, and the designation of the following six committees gives an idea of their sphere of work:—(1) Annual Committee, (2) Garden Committee, (3) Tank Committee, (4) Gold Committee, (5) Committee of Justice and (6) *Panchavara* Committee. Possibly, the Committee of Justice was not a separate Committee, but one of the other Committees sitting in that capacity. As to the *Panchavara* Committee, two meanings have been suggested—(a) that it was a committee for general supervision or (b) that it was one entrusted with the collection of a special tax.<sup>5</sup> Dr. John Matthai is inclined to feel that the second seems more likely, since the work of general supervision would more probably have been entrusted to the Annual Committee, occurring as it does in the inscription without any specific description of its work.<sup>6</sup> “By its name and by the special stress on previous experience in the committees and on pre-eminence in age or learning among its members, the annual committee appears to have been considered the most important among the committees”.<sup>7</sup> The *Panchavara* Committee therefore might have been connected with a levy meant to provide against famine (*Panjam*).<sup>8</sup> As to the Gold Committee, contrary to the general belief that it regulated the currency, a function which a village committee could not possibly have undertaken, it might more probably have been in charge of money

4. *Studies in Chola History and Administration*, Pp. 106-107.

5. *Madras Epigraph Report*, 1912-1913, p. 104.

6. *Village Government in British India* (1915), p. 26.

7. *Studies in Chola History and Administration*, p. 155.

8. *Ibid*, p. 142.

endowments or at least concerned with testifying publicly the weight and fineness of the gold in such cases.<sup>9</sup> In an inscription from another district, mention is made of five other committees,<sup>10</sup> and the Ukkal inscriptions represent these committees rather distinctly as sub-committees of a larger assembly.<sup>11</sup> In any case, it is clear that each village had its own separate constitution and that the needs and opinion of each locality determined it; and though the type was more or less the same, there was much variance in details and the assemblies seem to have often changed their constitutions in the light of experience.

The Uttaramerur inscriptions furnish interesting details about the method of casting of lots for electing members to the various committees, which was to take place before "a full meeting of the great assembly (*Mahasabha*) including young and old."<sup>12</sup> There seems to have been a division of the twelve streets of the village into thirty wards. Bundles of palm-leaf tickets with names of the persons chosen for each ward were collected and put in a pot and placed before the general body; the oldest among the priests present stood and picked up one of the young boys, who did not know what was inside, to pick out one of the bundles; the tickets of this bundle were put in another pot and shuffled well; the boy took one ticket out of this bundle and gave it to the Arbitrator who received it and read out the name which was again read out by all the assembled priests, so that any mischievous misreading might be detected immediately. Thirty names were thus selected for each of the thirty wards.

Stringent qualifications were prescribed for membership to the committee, such as the ownership of a quarter *veli* ( $1\frac{2}{3}$  acres) of tax-paying land and of a house built on his own site, age being below 70 and above 35 years, knowledge of *Mantrabrahmana*, being conversant with business, being virtuous and honest, etc. Only those who had not served on any of the Committees during the three previous years could be chosen, with a view evidently to preventing any member or members from virtually monopolising control of the village administration and securing at the same time the services of every qualified and deserving man in the village. And what is more, not only those who had falsified accounts and proved faithless but also their relations were to be debarred from standing as candidates. Accountants had to be chosen from among arbitrators and those who had "earned their wealth by honest means." One could not be again appointed to that office until he had duly submitted his accounts and been so declared by the great men of the accounts committee. There are

9. *Ibid*, p. 143.

10. *Madras Epigraph Report*, 1904-5, p. 49.

11. *South Indian Inscriptions*, Vol. III, Part I, Madras, 1899, Pp. 1-22.

12. No. 62 of 1898 of the *Madras Epigraphical Collection*.



also references to women on the committees and apparently women were not absolutely prohibited.<sup>13</sup>

As to the actual working of the village assembly, into which a unique insight is given by the Manur inscription<sup>14</sup> in the Tinnevely District, it is seen that the general body was summoned by the beating of a large drum, and the *Mahasabha* met at the appointed hour in a public place—here it was a Govardana (Vishnu) temple—and while generally all land-owners were represented in the assembly, still an active part in its deliberations went to “those the extent of whose property did not fall below a prescribed minimum and who in addition had attained a certain standard of education and possessed good character.” “No kind of *variya*m (executive work) was to be assigned to a person who did not possess a full share in the lands of the village.”<sup>15</sup> The work of the *Sabha* when it was not in session, including the execution of its decisions, was apparently entrusted to the *variya*r of its choice. The word *variya*m is generally taken to mean ‘committee’, but there is nothing to preclude its being some office or privilege held by an individual. The *variya*r (of the *Sabha* of Ilankottai) is also referred to by the Ambasamudram inscription of the 16th year of Varaguna Maharaja. Apparently, the *variya*rs were individual officers carrying out the orders of the *Sabha*. But the evidence obtained from the various Chola inscriptions which lay down special qualifications of property and education seems to show that these relate only to the executive of the assembly (including membership in the committees) and that as a rule in the general meeting of the assembly, members of all classes comprising every body (young and old) took part in its deliberations, which suggests that it was not an exclusively Brahmin assembly. The inference is that either the Manur rule laying down a high qualification in property and education not only for the *variya*m but also for taking part in the general assembly was an exception, or what looks more probable that in course of time the exclusiveness of the *Sabha* broke down in part.<sup>16</sup>

### Co-ordination with other Groups

This view is strengthened by the fact that there arose a time in the work of the *Sabha* at Uttaramerur when it had recourse to a method that made a powerful appeal to group loyalty and enlisted the co-operation of other groups in the discharge of its responsibility—that of payment of fines imposed

13. *Madras Epigraph Report*—1909-10, p. 98; (see also G.O. No. 922-923 of 19th August, 1899 (Public) p. 26).

14. *Epigraphia Indica*—Vol. XXII—Article on the Manur Inscription—K. A. Nilakanta Sastri, Pp. 5-11.

15. *Ibid*, p. 8.

16. *Epigraphia Indica*—Vol. XXII—Article of K. A. Nilakanta Sastri—‘A Chola Inscription from Uttaramerur’, p. 206.



on the members of different groups like Brahmanas, Sivabrahmanas, Accountants, Merchants, Vellalars and other classes by different agencies like the King's Court, the Court of Justice, the Revenue Department and others. The decision was that the particular group or caste to which the individual or individual's fines belonged was to be made accountable for their proper payment, and probably these different groups were also admitted to the membership of the *Mahasabha*.<sup>17</sup>

Not only was there co-ordination and co-operation between the different groups, but the assemblies of different places and of different types appear to have come together for business transaction. Thus we have the example of the *Sabha* of Tiraimur and the *Nagaram* of Thiruvadaimaruthur coming together with some temple authorities of Thiruvadaimaruthur for the preservation of ancient endowments to the temple "engraved on its old walls which had to be pulled down to renovate the central shrine".<sup>18</sup> Again, an inscription from Thiruvalangadu in the Tanjore District refers to a scheme being agreed to, to delimit the extent of lands enjoyed tax free by the local people, by both the assemblies of the village, namely, the *Mahasabha* and the *Ur*.<sup>19</sup> An inscription of Kamarasavalli, of the tenth year of Jatavarman Vira Pandya (1253—1269), records that the residents of the 18 sub-divisions of 79 districts met together and set apart the income derived by them from certain articles of merchandise to meet the cost of repairs to the temple. And often enough, and on stated occasions, the *Nagarathar*, *Nattar* and *Urar* while having their own separate meetings, seem to have also attended the Brahmin assembly. There is also evidence of the presence, at times, of royal representatives at the meetings. For instance, on both the occasions when the constitution of Uttaramerur was discussed and settled by the assembly, a royal officer was present, but it is doubtful if the constitution itself was adopted at the instance of the King or had his approval,<sup>20</sup> although later Chola inscriptions contain specific examples of royal orders communicating certain rules to regulate the qualifications of members and the conduct of the meetings of the *Sabha*.

#### Not a Democratic Organization in the Modern Sense

But it is futile to contend that modern democratic practice or anything akin to it was in vogue in the early village communities. "By stressing the committee system, the elections to the committees and the employment of ballot in the elections and then almost ignoring the whole complex of notions associated with caste, custom and religion, which dominated social life in

17. *Ibid*, p. 206.

18. Record No. 199 of 1907 of the *Madras Epigraphical Collection*.

19. No. 88 of 1926.

20. *Studies in Chola History and Administration*, p. 83.

those times, one may find it easy to paint the picture of a society in which people cared much for political rights and representative institutions and regulated their conduct almost entirely on secular and rational considerations. But it seems hardly worthwhile to make the attempt; for the doubtful satisfaction that may be derived from claiming modern wisdom for our ancestors is purchased at the cost of any chance of our knowing them as they were".<sup>21</sup> From the facts made available to us in early books and inscriptions, it seems that where the village committees were not appointed by the King or his agents, as probably in the *Arthasasthra* and in *Manu*, they were appointed by the villagers casting lots, but in neither case do we have a system of election aiming at determining the collective will of the community.<sup>22</sup> The presence on these occasions of temple priests, on which special stress is laid and the choice of a small boy to take the tickets out of the pot seem to suggest the attempt to eliminate the human element as much as possible and to introduce the element of divine choice. It was at best a system of 'selection by acclamation'.

Nor is it safe to assume that there was division in the assembly meetings to secure majority decision. Loud, eloquent and ample discussion there undoubtedly was, but in the course of the discussion, the opinions of the wise and the influential seem to have overborne the rest, perhaps unconsciously, with the result that there was often a unanimous decision secured. Thus, while the Manur inscription of Maranjadayan speaks of the penalty of five *kasu* (coin) per head for wilful obstruction by saying, nay, nay, to every proposal brought before the *Sabha* and avers that even after the enforcement of the penalty, the original terms of the resolution shall be acted upon, the Ukkal inscription of the 23rd year of Rajakesarivarman makes mention of an arbitrator (*Madhyastha*) who also put the transactions of the assembly in writing,<sup>23</sup> thereby clearly showing that a unanimous rather than a majority decision was the thing aimed at and often secured.

### Functions of the Sabha

Detailed information is obtained from the inscriptions about the functions exercised by the *Sabha*. Itself being a great land-owner of the village, agriculture was naturally its primary concern. It was as such interested in the proper maintenance of facilities for irrigation, transport and other allied matters. The existence of a special tank committee shows that the proper maintenance of the tank was one of its chief concerns. It sold

21. *Studies in Chola History and Administration*, Pp. 97-98.

22. *Village Government in British India*—John Matthai, Pp. 29-30.

23. *South Indian Inscriptions*—Vol. III, Part I, p. 2; *Madras Epigraph Report* for 1913, para 23; *Epigraphia Indica*—Vol. XXII, p. 8.

of 720 *kuzhi*<sup>35</sup> of tax free land being set apart by the *Sabha* to enable a person to reside permanently in the village and teach.<sup>36</sup>

Records speak of grants to temples for maintaining alms-houses, carrying out repairs to the temple structure, and supporting temple servants and Brahmins versed in the *Vedas*. Record No. 186 of 1925 speaks of a royal grant of ten *veli*<sup>37</sup> of land for a feeding house and for daily *havirbali* (a kind of offering) to Adavallar in the temple, with the condition that taxes on half the portion were to be paid by the temple and the rest by the assembly of Talachengadu. Record No. 176 of 1919 speaks of a grant by a *Senapati* (commander of the army) under the auspices of the great assembly of Tribhuvani (Pondicherry) of 72 *veli* of land for festivals, feeding Vaishnavas (worshippers of Lord Vishnu) and reciting *Tiruvoimoli* (a kind of hymn) and the maintenance of an elaborately organized college of higher learning, while record No. 333 of 1917 contains an exhaustive and detailed account of a large hostel and college for *Vedic* studies maintained in the temple at Ennayiram in the South Arcot district at about 1023 A.D. (Rajaraja Chola I's time). Culture colonies (*agraharas*) were attached to temples while the *mathas* served, in addition to the temples, as centres of higher learning where scholars gathered together and promoted learning in philosophy and religion. A record of the twelfth century mentions a hospital at Tirumukkudal with a number of beds, while an inscription of the Tanjore district speaks of sale for 70 *kasu* (coin) of 9 *ma*<sup>38</sup> of tax free land by the big assembly of Rajakesari Chadurvedimangalam for the maintenance of a free dispensary founded by a woman, Savarnam Ariyan Madhuranthakan being the name of the physician.<sup>39</sup>

Almost every South Indian inscription making mention of a village assembly speaks of a *madhyastha* (mediator) of the village and the administration of justice was therefore one of the main tasks of the assembly. It had also the duty of tracking crime. "The guilt was brought home to the culprit before the assembly, the punishment was decreed according to law by the special body of judges who had knowledge of it or by royal officers, when once the guilt was proved to the satisfaction of the assembly". When the crime was particularly enormous, or the criminals were too numerous and powerful, royal assistance seems to have been called for.<sup>40</sup>

35. One *kuzhi* equals 1/300 of an acre or 1/2000 of a *veli* or 1/100 of a *ma*.

36. No. 29 of 1898—*South Indian Inscriptions*—Vol. VI, p. 312.

37. One *veli* equals 6½ acres or 20 *ma*.

38. One *ma* equals ⅓ of an acre.

39. No. 248 of 1923.

40. "It seems to have been the rule that all offences were in the first instance dealt with by the village officers and the village assembly of the locality, and that only when these authorities proved unequal to the task, any matter was submitted to the King's officers, or in an extreme case, to the King himself". (Vide—*The Pandyan Kingdom*—K. A. N. Sastri, p. 228).



The village assembly, in short, was the authority responsible not only for the punishment of local offences but was the great moral force in the village, controlling and guiding the religious, social and moral conduct of the villagers generally. Record No. 332 of 1910, for instance, speaks of an interesting decision of the assembly of Nalur (Tanjore district) which met under a tamarind tree, by which "all people who violated the decision that no one should do anything against the interests of the village or against the temple of Tirumayyanam—Udaiyar and similar institutions were declared to be *gramadrohins* (traitors of the village) and were deprived of certain privileges of a social and religious character".<sup>41</sup> In judicial enquiries, moreover, the *Sabha* seems to have invited public opinion as a healthy factor, as in the temple dispute in Kattumannar Koil (South Arcot District) of the time of Jatavarman Sundara Pandya.<sup>42</sup>

### Finance of the Sabha

Finance was provided in the form of both cash and kind, and it is a remarkable fact that, apart from loans from the temple, private charity often came to ease the work of the *Sabha* by adding considerably to the financial resources at its disposal. The *Sabha* seems to have had absolute authority over all the village lands subject to the payment of royal revenue. Custom invested the King with the right of collecting a large number of taxes and dues which fell either directly or indirectly upon land. The tenants seem to have had an *a priori* right to the lands they cultivated, subject only to their payment of *kudimai* (tenancy obligations) and *kadamai* (land revenue), or according to some inscriptions, "subject only to *kudimai* which was tenable at the door of the tenant and to the income by taxes (*varippadu*), which the village paid." Usually, in cases of flood, drought and other calamities, a remission of taxes was granted and we have the instance of remission by the *Sabha* of Poygaikkudi of the taxes due on the lands granted to the temple.<sup>43</sup> According to an inscription of the third year of Kulothunga I, a *melvaram* (renter's share of the produce) of one-fifth for dry lands and one-third for wet lands was to be paid.<sup>44</sup> An inscription of the thirty third year of Rajadhiraja I says that *melvaram* for wet lands was two-fifths and for dry lands one-fourth of the produce, while yet another record speaks of the ratio between *melvaram* and *kizhvaram* (the cultivator's share) as 1 to 1½ for wet lands and 1 to 3 for dry lands. There

41. *Studies in Chola History and Administration*—K. A. N. Sastri, p. 88.

42. *Annual Report on Epigraphy*—1921, Part II, Para 40. Prof. K. A. N. Sastri is, however, inclined to think "that nothing more is meant in the record than that the proceedings of the assembly were public, even as trials take place in open court to-day". (Vide—*The Pandyan Kingdom*—p. 229).

43. 430 of 1918.

44. No. 492 of Mulbagal, in Lewis Rice's *Epigraphia Carnatica*, Vol. X.



seems to have been a revenue collector for each village who was the intermediary between the King and the village assembly on the one hand and the cultivators on the other.

We have numerous instances of the *Sabha* making tax free grants or remissions of taxes to temples or individual donees in return for cash or service as the case may be. For instance, the assembly of Nalur transferred, the right of collecting *angadikkuli* (shop rent) in the bazaar of the place to the temple of Mulasthanathu Mahadeva of Tirumayanam (Tanjore District), the rate being *kasinvay nali* of each measurable stuff like paddy and rice brought up for sale from outside Nalur, one *palam* (1/40 of a viss) of articles sold by weight, one *parru* (?) on each basket of betel-leaves and two nuts for each basket of areca-nuts, the transfer being apparently in consideration of 25 *kasu* (coin) received by the assembly from the temple.<sup>45</sup> An idea of the very large number of taxes levied in Chola times, some of which were doubtless in the nature of tolls and *octroi*, is obtained from an inscription of the thirty-fifth year of the Chola King, Tribhuvana Chakravarthi Koneriramaikondan. It says that the royal grant includes all kinds of taxes (*kadamai*) and rights (*kudimai*)—all kinds of aya (revenue) including *kasukadamai* (tax in money); *padikaval* (share of the watchman), the share of the *karanam* who measures the paddy; the unripe fruit in *karttigai*, the tax on looms (*tari-irai*); the tax on oil mills; the tax on trade; the tax on goldsmiths; the dues on animals and tanks; the tax on water-courses, tolls; *inavari* (a tax on castes?), the tax on salt etc. Many other dues are mentioned in this and other inscriptions, several of which have not yet been fully interpreted.<sup>46</sup>

A large number of rights were evidently conferred on donees as land grants, who in turn usually got the right to a rent from the tenants as well as to other sources of income in the form of tenancy obligations due from the land. We hear of fees for governing the village and the area, a tax from the potter, a marriage fee, a tax on the washerman's stone, a tax on shepherds, a tax for keeping watch, taxes on ferry-keepers and toll collectors, a tax on toddy-drawers, a share in the allowance for the maintenance of the village assemblies, a tax on the profits of priests, ghee-seller's fees, settlement duties, a tax on retainers of servants, a tax on areca-nuts, etc. There was also a tax for providing irrigation facilities, and an inscription<sup>47</sup> of Rajendra I records that the great men of the village of Tribhuvana Madevi Chaturvedimangalam made an order that every six *ma* of land irrigated by the tank Madhurantakappereri must pay one *kalam* of paddy as *eri-ayam* (tank cess) and that the tank committee must collect it and maintain the tank in good repair.

45. *South Indian Inscriptions*, Vol. III, p. 90—321 of 1910.

46. *South Indian Inscriptions*, Vol. II, Part I, Pp. 112-117.

47. 192 of 1919.

It is clear that while some of these dues were undoubtedly paid in cash, most of them were paid in kind and what is more, the rates of the dues on land varied according to the nature of the soil and the crops raised.<sup>48</sup> "We get just enough information in regard to the forms of land tenure to enable us to see that the conditions of tenancy cultivation varied in accordance with the locality; that shares in the produce between landlord and tenant often differed according to the nature of the crops raised, the tenant's share increasing with his part in the raising of the produce; and that, besides a share in the produce of the land, the landlord often had sundry other small claims on the tenant which were met by payments in cash or kind".<sup>49</sup>

Definite portions of land were assigned as communal land and therefore free from assignment, such as those occupied by the *Pariahs* (untouchables) and the artisans, burning ground, irrigation channels and temple ponds, flower gardens, streams, high roads, cattle sheds and stables, the village threshing floor, grazing ground, quarters of toddy-drawers and washermen, marshy places where fish was found, etc. Numerous inscriptions speak of public and private sales of land, and we have already noted the power of the *Sabha* to confiscate and sell land for default of revenue payment. When the land sold was the property of the *Sabha*, the assembly ordered its sale and some members were entrusted with the duty of seeing the transaction formally completed. We often hear of the *Sabha* having sold land, leased it for cultivation or made free gifts of it, and such powers appear to have been exercised by the assemblies of other types like the *Ur* and *Nagaram*. Since anyone cannot keep away or sell what is not his own, it has to be inferred that there was some common land in the village administered in common by the whole village, besides the individual holdings in it.<sup>50</sup> The free gifts of villages and lands to Brahmanas, temples, and others mentioned in the inscriptions were put under certain liabilities and guarantees for efficient up-keep, and it was only under these conditions that the donee enjoyed the right of collecting the land tax and other supplementary dues from the cultivators.

Finally, the various village servants like the priest, garland-maker, dancing-master, drummers, parasol-carriers, lamp-lighters, the superintendent of goldsmiths, reciters of hymns, accountants, expounder of the *Vedanta* (Philosophy) and *Vyakarna* (Grammar), teachers etc., were all paid either in kind as so many *kalams* of paddy per year or as some inscriptions indicate, by assignment of land. For instance, Record No. 277 of 1913 (of 1257 A.D.) from the Nataraja temple at Chidambaram which records the foundation of a new village called Vikrama Pandya Chaturvedimangalam, mentions the acquisition of

48. *The Pandyan Kingdom*—K. A. Nilakanta Sastri, Pp. 217-18.

49. *Ibid.*, Pp. 220-21.

50. *Studies in Chola History and Administration*, p. 94.

117¾ *veli* of land in the village of Rajasikhamaninallur (alias Puliyangudi) for the maintenance of the 103 Brahmin families and others—the Brahmins evidently receiving a full *veli* of land each; teachers of *Vedas*, 3; teachers of *Sutras*, 1; two doctors, 1¾; ambadayas (?) ½; village accountant, ½; drummer, ¼; potter, ¼; blacksmith, ¼; carpenter, ½; goldsmith, ¼; *irankolli*, ¾; barber, ¾; washerman, ¼; village watchman, ¼; and the village servant (*Vettiyan*) ⅛.<sup>51</sup>

### Relations with the State

The *Sabha* was practically autonomous, although it is clear that under the Cholas the village assemblies were brought under a closer supervision by the central government than at any other time. Various facts are mentioned by the inscriptions to show the more or less intimate contact between the village community and the king, and during Rajaraja's time a system of audit and control was promoted by which village assemblies and other quasi-public corporations were held to account.<sup>52</sup> But generally speaking, in internal matters and to a certain extent even in the relations between one village and the other, the *Sabha* appears to have been left largely free from royal control and direction; and while the king, through officers of varying degree of authority, maintained watch over the village and had powers of fines and punishment, the *Sabha* could in its turn bring to the notice of the king the misdeeds of royal servants and temple authorities within its area. And we have also evidence that any charter of the king affecting the status and rights of a village in any manner was sent to the village assembly for approval. But "sedition and treason towards the king appear to have been beyond the competence of rural communes to handle," and *Rajadrohins* (traitors) seem to have been punished directly by royal officers with the help of the *Sabha*.

All the same, it does not appear that "as a rule there was anything of the nature of a 'political institution between the village and the central government' nor any administrative unit between the village and the Kingdom which had a recognized place in the consciousness of the people".<sup>53</sup> And it is fairly clear that during the period of the Mohammedan rule, the village assemblies were left more or less to their own resources and practically no connection seems to have been maintained with the King's Government so long as there was due payment of the taxes. But, as Elphinstone wrote, "though probably not compatible with a very good form of Government", they were "an excellent remedy for the imperfections of a bad one", inasmuch as they sought to "prevent the bad effects of negligence and weakness" and

51. *Annual Report on Epigraphy*—1914, Part II, Para 18.

52. *The Cholas*, Vol. I, K. A. Nilakanta Sastri, p. 223.

53. *Village Government in British India*—John Matthai, p. 32.



"even present some barrier against its tyranny and rapacity"; and containing within themselves all the materials of a State in miniature, these communities were "almost sufficient to protect their members if all other government were withdrawn. In the stability and continuity of Indian village life and organization is to be sought the secret of the good things achieved by India in the past inspite of an apparant incapacity to develop political institutions of an advanced character."

### Decay of the Village Institutions

The decline of the village organization seems to have begun during the Mussulman invasions of the earlier part of the fourteenth century and the conquests of the Vijayanagar monarchs in the latter half of the same century. Although the Muslim conquerors did not interfere much with the old arrangements of village communities, the general effect of their rule seems to have been "to render feeble the various forces which were spontaneously working in the village communities" inasmuch as "the paternal solicitude of the Hindu rulers was replaced by cold indifference of the new conquerors".<sup>54</sup> And under the Kings of the last Vijayanagar dynasty as well as during the rule of the Bahmani Kings, these institutions seem to have had a rude shake. The ancient Kingdoms of Chera, Pandya, Chola and Pallava fell into the hands of weak, imbecile monarchs who cut the dominions into fragments and entrusted them to petty viceroys and chieftains according to their whims and fancies. They in turn created a number of principalities and gave them away to their subordinates in return for military service. These changes took place during the 16th and 17th centuries and it was during this period that the old institutions lost much of their glory, if they did not die out altogether. But the ancient community spirit does not seem to have disappeared altogether in spite of these changes, for even as late as in the 18th century we hear of an instance of a village meeting to consider the case of desecrating a village temple "in which people of all castes—from the Brahman to the Pariah—took part".<sup>55</sup>

At the beginning of the 19th century, however, the village communities were getting disintegrated even in those parts of the country where they still retained their original form, and the various economic and administrative changes introduced by the British rule hastened the decay of these institutions. It was the inevitable result of the establishment of orderly government, internal tranquillity and suppression of external aggression, and the growth of the means of communication that the isolation of the village was broken and the villager brought into more direct and intimate contact with the State.

54. *A History of Village Communities in Western India*—A. S. Altekar, Pp. 29-30.

55. *The Private Diary of Anandaranga Pillay*—J. F. Price, Madras, 1914, Vol. I, Pp. 322-3.



In a state of constant warfare and insecurity (which was the case even during the highly organized Chola rule) cohesion of the village communities for purposes of self-defence and promotion of common welfare was inevitable. Considerations of distance in medieval times rendered the effective control of the outlying areas extremely difficult. This led to the isolation of the village which developed the community spirit, and this strengthened the hold and authority of the village assembly which was the administrative counterpart of the self-sufficiency of the village. This characteristic in the pre-machine age was not peculiar to the Indian village only, but was common in almost every part of the world including Europe and North America.<sup>56</sup>

But when the external pressure by which these communities were kept in a state of kinetic equilibrium was removed and peace and order established, the internal rivalries and jealousies came prominently into play with the result that the inconveniences and injustices of common holdings began to be seriously felt and the improvements in production coming in the wake of settled conditions created a preference for individual holdings. This process was furthered by the ryotwari system introduced by Sir Thomas Munro. For, "in a state of society where the rights of individual members are determined by custom more or less vague, the question as to whom the Government makes responsible for the payment of its dues practically determines what type the society and tenure of lands by its members shall assume. If the Government, for instance, makes the head of the village the person responsible for its revenue, the interest of such head in the lands becomes the predominant one, and other persons having interests in the lands become his tenants unless the process is arrested by positive legislation. Similarly, if the whole body of proprietors in the village be made jointly responsible for the Government revenue, the natural evolution of individual property is arrested. Again, if the Government decides to deal with each individual cultivator as regards the payment of revenue, the tendency is to break up the village communities".<sup>57</sup>

When the Government thus chose to deal with the villager direct in the matter of land revenue and made the traditional public functionaries like the head-man, accountant etc.,—who for ages were regarded as the representative spokesmen of the village community—the salaried officials<sup>58</sup> charged with one or other duties associated with land revenue, the result was to deprive the villagers of their natural leaders and loosen the community tie among them. The contact with the villager was further extended, as a logical necessity, in other spheres of village work as well—in the matter of construction and main-

56. *Country Government and Administration*—John A. Fairlie and C. M. Kneier (1930), Pp. 467-68.

57. *Memorandum on the Progress of the Madras Presidency during the last Forty years of British Administration* (1893)—S. Srinivasaraghava Iyengar, p. 320.

58. *Social Service in India*—Edited by Sir Edward Blunt, (1938), Pp. 83-84; *Village Government in British India*—John Matthai, p. 17.

tenance of irrigation works, famine relief, provision of means of communication, educational facilities and agricultural credit, the regulation of the villager's right to cut fuel or graze his cattle in the forest and so forth. To crown it all, the introduction of the British system of justice by fixed laws and regular courts tended "to suppress the indigenous agencies, whether caste assemblies or guilds by which the customary usages regulating the conduct and rights of the members of the communities were constantly though unconsciously modified to suit changing conditions".<sup>59</sup> These caste assemblies not being recognized by law, lost much of their vitality and are practically dead now. All this meant that much of the work that was for ages associated with the village community was being done by outside agencies, and psychologically the villagers were made to look for help more and more to the respective Government departments. Side by side, the general effects produced by the progress of education, the rising spirit of individualism and the contact with the western civilization led to the loss of the hold of custom and tradition without any other bond taking their place and the best elements in the village began to migrate to towns, thus depriving rural areas of enlightened leadership.<sup>60</sup>

It was inevitable under these circumstances that the village community lost much of its internal cohesion and traditional usefulness. The obvious remedy for the evils incidental to this situation was "the promotion among the people of habits of voluntary co-operation for carrying out public objects" by means of "education obtained by taking part in the administration of local affairs". But when about the middle of the 19th century local authorities were set up, the district was taken as the basic unit though it was well known that the village was the time-honoured unit of local administration. "On the question of the establishment of Panchayats," as remarked by Sir Charles Aitchison, "the English opinion was all on one side (negative) and the 'native' opinion all on the other. The question however was one on which the 'native' was best qualified to speak." Attempts were no doubt made to resuscitate the village now and then, but they were all hesitant, half-hearted, halting and it was not before the Royal Commission on Decentralization issued its report in 1909 that the importance of the village came to be recognized, and even then it was only in 1920 that a real start was made to revive Panchayats. Progress was thus lamentably slow and was subject to numerous limitations, and by that time the village community was practically broken up. Let us now proceed to study the evolution of Panchayats under modern legislation.

59. *Forty Years of British Administration*—S. Srinivasaraghava Iyengar, p. 326.

60. *Social Service in India*—Sir Edward Blunt, p. 84, *A History of Village Communities in Western India*—A. S. Altekar, p. 32 and *The Indian Journal of Political Science*, Vol. IV, No. 4—M. Venkatarangaiya on "The Village in the Structure of Local Government", p. 337.

## CHAPTER II

### EVOLUTION OF PANCHAYATS UNDER MODERN LEGISLATION

#### Early Attempts

One of the earliest legal recognitions of village communities as useful instruments of Local Self-Government was contained in the Madras Education Act (No. VI) of 1863. It authorised the collection and management of a rate by which certain village schools in the Godavari district were supported and also provided the means of raising permanent funds for the establishment and improvement of schools, with the help of Government grants, in villages and towns of other parts of the Presidency. "If the majority of the rate-payers in the Godavari district did not petition against the continuance of the schools within two months from a given date, the schools should be continued for five years, and a similar procedure should be observed at the end of every five years. In other districts also, the inhabitants may petition Government for an order declaring the Act to be in force in any towns or villages and the order may be issued, if after enquiry, a sufficient majority of the inhabitants was found in favour of the application".<sup>1</sup>

Thus 'Unions' as they were called, came into existence in places where rate-schools under the Act of 1863 existed and where good elementary schools were functioning. The limits of these education 'unions' were not to exceed two and a half miles from the places where the school was or might be established. House tax was legalised but only in villages or groups of villages where a grant-in-aid school existed or was established by the Government or people concerned. In actual working, however, the Act was found to be ill adapted to the rural communities for whom it was mainly intended and "even the enterprising Godavari Commissioners were found not sufficiently experienced", consisting as they did mostly of ryots not knowing much about the management of schools. The collection of house tax fell much in arrear, teachers remained unpaid for months together, and in many cases it was found necessary to close the schools or abandon the attempt to establish them.<sup>2</sup> In 1870 the Act was found working only in five districts with 11 schools, as against 271 when it was introduced.

The truth was that so large a measure as the promotion of elementary education among the masses of the people could not rest on so precarious

1. *Local Fund Manual for Madras and Mysore* (Higginbothams & Co., Madras 1905, p. 378.

2. *Fort St. George Gazette (Supplement)*, February 22, 1870, p. 53.



basis as a voluntary rate, and obviously, the requisite funds could only be supplied by a compulsory cess. The expediency of imposing such a cess to defray the expenses of schools for the rural population was already considered in 1859, but the Government of Sir Charles Trevelyan did not favour the idea. It was only in 1868 when the Act of 1863 was found to have entirely failed in its purpose and when about the same time the finances of the Government of India were also in an embarrassed condition and the necessity was felt for supplementing imperial revenues by local taxation, that the idea of a compulsory rate occurred to the Government. It was eventually embodied in the Local Funds Act of 1871 in the form of a house tax ranging from four annas to five rupees, to be levied in villages where grant-in-aid schools existed. Although it was decided that the funds should mainly be utilized for the maintenance and improvement of primary education, still it was considered inexpedient to fix any limitation in this behalf as it was thought difficult to foresee "what the wishes of the people might in the future dictate as the kind of education which was to be supported by the local rates,"<sup>3</sup> and the funds were thus by law equally applicable to the sanitary conservancy of the village or any other local purpose. But the association of the house-tax with education made it being looked upon as an education rate, pure and simple, and the imposition of the tax met with so much opposition and hostility that the Government decided to keep it in abeyance from 1873-74. "The effect of this order was to leave charges for sanctioned 'Union' schools unprovided for".<sup>4</sup> 'Union' Funds ceased to exist and the receipts and charges of all Local Fund Schools were incorporated with the general funds of Local Boards.

It was only in 1882 that the desirability of reviving the ancient village committee and making the village the lowest administrative area for purposes of rural government as "the most effective means which can be adopted for the political and social education of the people" was stressed, practically for the first time, by the Madras Local Self-Government Committee. The Committee recommended the constitution of each revenue village or group of villages into a rural sanitary district "endowed with legal life and the pecuniary means of providing for its own sanitation and all minor matters of merely village importance." Indeed a similar machinery had existed in many of the smaller towns and larger villages of the Province in the form of voluntary sanitary associations, and the necessity for giving these a legal status had often been recommended by the district authorities.<sup>5</sup> The Local Self-Government Committee, therefore, proposed two kinds of 'Unions'—

3. *Report of the Local Self-Government Committee (Madras)* 1882, p. 68.

4. *Local Fund Manual*, 1905, p. 380.

5. *Ibid*, Pp. 381-382.



Major Unions for villages with a population of over 5,000 to look after education and roads, and Minor Unions for smaller villages to attend to sanitation. Accordingly, the subsequent Local Boards Act of 1884 provided for the constitution of 'Unions' whose members were all nominated. The governing body consisted of a village headman and at least three others forming a committee of five men with the *Karnam* as their clerk. The levy of house-tax was revived and its proceeds were allotted for the purposes relating to the health and "convenience" of the people. By the Local Boards (Amendment) Act of 1900, the distinction between Major and Minor Unions was abolished and all the Unions were assigned the same duties. Already in 1889 the Village Courts Act had been passed vesting some judicial powers of a petty character in village Panchayat Courts separately constituted for the purpose. Informal Panchayats for irrigation and forests were also constituted.

#### Development Since 1900

But the progress made till the beginning of the 20th century was so poor that the impression left on the Royal Commission on Decentralization in 1909 was that the 'Union' as an administrative area had no future before it and therefore deserved to be abolished. If it is remembered that the total number of 'Unions' was less than 400 though there were about 54,000 villages in the Presidency, it will be seen that even the fringe of the problem had not been touched.<sup>6</sup> The villages comprised in the 'Unions' were purely urban in character, all the other rural areas being looked after by Taluk and District Boards. The community of interests which had in the past bound together the inhabitants living in a single village was lacking in the artificial 'Unions' which failed to evoke the desired feelings of local patriotism. Complaints were frequent, as they are even to-day, that outlying areas were neglected in spite of their contribution to the finances of the 'Unions'; and even where the 'Unions' were coterminous with single villages, their resources were not adequate for effecting local improvements.

The most potent cause, however, was that the whole scheme came to be worked on entirely new lines unfamiliar to the traditional habits and feelings of the people. "The old organic groups of castes, village communities and guilds were broken up and new bodies composed of members belonging to different creeds with diverse interests created. The duties entrusted to these bodies at the outset were also not of a kind calculated to appeal to their sympathies. These duties had nothing to do with the care and superintendence of places of religious worship and charitable endowments which are generally more or less co-

6. *Development of Local Boards in the Madras Presidency*—M. Venkatarangai, p. 11.

nected with religion, with the relief of the poor, with the assessment of taxes, with the maintenance of police and with the administration of justice—matters affecting closely the inner life of villagers and in which they might be supposed to be primarily interested.”<sup>7</sup> The construction of roads and bridges was best attended to by the Government; the ideas of sanitation were too refined and modern to be popular in a poor and backward country; education dissociated from religion, lost one of its strongest supports and above all, the imposition of additional taxation which accompanied the creation of Union Panchayats tended to render these bodies unpopular, while the recurrence of famine in several parts of the country frequently threw their limited finances out of gear and impaired their usefulness.<sup>8</sup>

In these circumstances the Decentralization Commission recommended the abolition of the Union as an administrative area and insisted on the need for the preservation of the village as a community and for preventing its further disintegration. “The foundation of any stable edifice which shall associate the people with the administration” they said, “must be the village as being an area of much greater antiquity than the new administrative creations and one in which people are known to one another and have interests which converge on well-recognized objects.....” Even during the early years of the present century, there were certain voluntary associations set up here and there under the familiar name of ‘Panchayat’ and the Madras Government in an Order surveying their activities said, “In many districts, a piece of communal land away from the village site is set apart for the storage of manure; in others, areas are set apart for use as latrines to prevent the indiscriminate fouling of the whole surroundings of the village; in some districts, village ‘Sanitary Associations’ have been in existence, which administer a voluntary cess raised by the people themselves for maintaining scavengers; in others, the villagers have subscribed regularly towards the cost of pumping water from protected well to raised cisterns”.<sup>9</sup> The Decentralization Commission therefore advocated the constitution and development of village Panchayats for local administration in the villages, with functions including summary jurisdiction in petty civil and criminal cases and with powers to incur expenditure on the cleansing of the village and minor village works, the construction and maintenance of village school houses and the management of local schools and smaller fuel and fodder reserves. They were against vesting in the Panchayats any power to raise new forms of local taxation. The resources of these bodies were to consist

7. *Forty Years of British Administration* (1893)—S. Srinivasaraghava Iyengar, p. 323.

8. *Ibid.*, p. 324.

9. *Madras Weekly Mail*, July 2, 1914, p. 20.

of a portion of the land cess, special grants for particular objects and receipts from cattle-pounds and markets.

In May 1915 the Government of India issued a cautiously worded resolution suggesting the formation of 'experimental' Panchayats, with both administrative and judicial functions, which should absorb the then existing sanitation committees and the like; taxation should be optional and jurisdiction only by consent. Accordingly, the Madras Government passed an Order<sup>10</sup> calling on the district authorities to organize Unions under the Local Boards Act of 1884, in villages with a population of more than 3,000 and informal or experimental Panchayats in villages with a population of 3,000 and less, for administering local affairs. The proposal was thus to increase the number of Unions (which was 464 in 1916-17 and 572 in 1921-22), though they were condemned as unsatisfactory and unworkable, and to start only informal Panchayats which were placed under the aegis of Collectors with the local village headmen as *ex-officio* chairmen. About 1,000 such Panchayats were working by the end of 1918; 310 of them were looking after village forests, and the rest confined themselves to general matters like village conservancy and sanitation. But these Panchayats had no statutory authority to collect taxes and enforce on the villagers any rules regarding sanitation and public health. Moreover, the number of villages with a population of 3,000 was small and the experiment hardly touched even five per cent of the rural population.

#### The Village Panchayats Act of 1920

The year 1920 marked a turning point in the history of Panchayats in the Province in that the Government passed a Village Panchayats Act for the first time and appointed an officer of the grade of a District Collector, called the Registrar-General of Panchayats, to organize and develop Panchayats which were given statutory recognition under the provisions of the Act. The constitution of Panchayats was purely voluntary; and though there was no specific provision in the Act that the consent of the village community should be obtained before a Panchayat was organized still as a matter of policy Panchayats were constituted only where there was a desire on the part of the villagers to form them. The office of the Registrar-General of Panchayats was set up in December 1921 with Sri N. Gopalaswami Iyengar, who may be called the Father of the revival of Panchayats in the Province, inasmuch as he took a keen and paternal interest in their development and guided their activities for a number of years. Panchayats began to be constituted from January 1922 onwards.

10. G. O. No. 1416, L. dated 2-10-1915.



Though the Madras Village Panchayats Act of 1920 conferred powers on the Government to constitute or abolish any Panchayat, they had no power to compel a Panchayat which was recalcitrant or apathetic to function properly, or to enforce the rendering of the necessary services at the cost of the recalcitrant body of villagers who, swayed by faction or otherwise, made Panchayat administration temporarily impossible. This was inevitable since the basic idea in constituting a Panchayat was to call into being a purely voluntary body which from the earliest times was believed to have not only looked after the chief needs of the village but served also, to some extent, as the link with the administration at large. But conditions changed with time and this agency lost its indispensability. Though several Panchayats were formed in a wave of enthusiasm, they failed to perform the functions assigned to them owing to local apathy or indifference of the 'Panchayatdars' (members), with the result that some languished and the others died. The inducement of financial help from the Government might perhaps have temporarily helped to overcome the difficulties or opposition of the villagers; but there was no provision in the Act for rendering such help nor was there any fund from which it could be drawn, at any rate at the initial stages. Thus the organization of Panchayats rested purely on an appeal to historic memories and vestigial survivals and on an emphasis on the need for reviving what most ryots knew had once existed in the country, namely, village self-governing bodies entirely self-reliant in matters of local concern. This appeal had some effect in some villages, but in others such verbal coaxing failed even at the initial stages.

Moreover, though there was a Registrar-General of Panchayats at the headquarters in Madras guiding these infant institutions from above, yet for lack of a local staff in the districts it was not possible to spread the movement during the early years of its career. This work was done purely by honorary agencies designated as Honorary Organizers of Panchayats and also by such of the Presidents of Taluk Boards as had faith in the movement. They worked without any remuneration, and some of them did in fact incur expenses out of their own pockets while travelling on Panchayat work. The work they turned out was thus "a labour of love engendered by their faith in the efficacy of the institutions."<sup>11</sup> Excellent work was done by some of them, which did not "suffer in comparison with that of salaried officials."<sup>12</sup> But, later on, as it was found difficult for some of these earnest and enthusiastic workers to devote their whole time and energy, the Government sanctioned a fixed travelling allowance of Rs. 2/- for each day they spent

11. *Report on the Administration of Panchayats, 1924-25*; see also, the *Report for 1925-26*.

12. *Ibid.*



on organization work. As honorary workers were largely drawn from the less affluent classes, this small remuneration encouraged them to concentrate their attention on the movement and make it a success.

A two-fold policy was pursued in the establishment of Panchayats. First, an attempt was made to establish Panchayats all over the Presidency, scattered though they might be. Secondly, a few Taluk Board areas were chosen for intensive development, the object being the establishment and successful functioning of a Panchayat in every village in that area. There was a steady increase in the number of Panchayats, from 579 in 1924-25 to 4,474 in 1931-32, when it was found necessary to weed out mushroom institutions and stabilize the movement. Consequently the formation of fresh Panchayats was held in abeyance for a short time and then revived from the year 1934. Their number was 5,812 in 1937-38, 6,678 in 1942-43 and 7,237 in 1946.

The Village Panchayats Act of 1920 introduced the system of adult suffrage by enfranchising all men over 25 years of age and provided for the election of all members of the Panchayats, whose strength varied from 7 to 15. Although there was no provision made in the Act for safeguarding the interests of minorities, complaints of denial or inadequacy of representation of particular communities were rare, and by successful handling of the elections in the majority of cases an agreed election of persons representative of all important communities and interests was secured in keeping with village traditions.<sup>13</sup> Election disputes which are common in the modern full-sized Panchayats were not noticeable during the earlier stages of their growth. They have generally increased in recent years with the advent of political parties in local bodies. Panchayats were required to meet every month but this rule was not strictly followed owing either to lack of sufficient number of new subjects coming up for discussion every month or to apathy or ignorance of the rules on the part of the 'panchayatdars'.

During the early years, Panchayats did not spend any money on office establishment. The Presidents themselves did the writing work. Meetings were held in places accessible to all communities such as a Local Board Elementary School, a village *chavady*, (rest house) or a platform under a village banyan tree. As Panchayats developed in compact areas, groups of Panchayats formed themselves into associations called 'Firka Panchayat Associations' for purposes of co-ordination and helpful supervision, advice and assistance. Several conferences were held at which suggestions regarding the growth and development of the movement were offered and communicated to the Government for consideration. Some District Boards like that of the Chingleput took a very keen interest in the organization of rural reconstruction work, the essential prerequisite of which was the constitution of Panchayats. Since

13. *Report on the Administration of Panchayats*, 1928.

by side with these Panchayats, the Unions constituted under the Local Boards Act of 1884, and its successor the Madras Local Boards Act, 1920, also continued to function.

#### Work Done in the Period 1920-1930

Under the Village Panchayats Act of 1920, no particular duty was imposed on Panchayats; they were free to choose what, among the numerous functions referred to under Sections 15 to 20 of that Act, they considered essential at the time. These functions included the construction and maintenance of village roads, culverts, drains, etc., the provision of water, lighting, education, latrines and other sanitary arrangements, opening and maintenance of libraries, control of cart-sheds, ponds, fairs and festivals, threshing floors, etc., extension of village site, vaccination, registration of births and deaths and any other duty or work authorised or transferred by the Government, District or Taluk Boards, Collector or any private person or persons. That these functions were not mere legal conceptions but were actually exercised—several Panchayats undertaking a good many or attending to everyone of them, while others contented themselves with attending to the minimum necessities of life—can be seen from a study of the illuminating reports of the two Registrars-General of Panchayats during the period 1920-30 which was the heyday of the revived Panchayat movement in Madras. Unfortunately such reports are not available after 1930 since when bare statistics of the income and expenditure of Panchayats are included in the Reviews of the Administration Reports of District Boards.

It is interesting to note that nearly every one of the functions referred to in the Act was attempted by some Panchayat or other.<sup>14</sup> The most important functions which were invariably attended to by Panchayats during the decade were the removal of noxious plants from village sites and tank bunds, the performance of *kudimaramat* work and the distribution of water from the minor distributories to the several *Patta* fields, the maintenance of *kaval* (watch) over crops, sanitation and conservancy, repairs to drinking water sources and provision of educational facilities, control over village artisans—in short almost all the work believed to have been performed by the ancient village polity. Under communications, expenditure was chiefly incurred on the conversion of cart-tracks into feeder roads to the District and Taluk roads including, in the deltas, expensive metalling, and construction of small bridges and culverts over streams and channels. Some District and Taluk Boards transferred to Panchayats the maintenance of their roads within Panchayat limits together with the annual maintenance allotments

14. *Panchayat Administration Report, 1925-26.*

provided for the purpose. A few Panchayats did work on roads as contractors for Local Boards and the profits derived therefrom were added to Panchayat funds.

The most popular service was the establishment of schools in about 1,300 villages, half of which had buildings of their own. The starting of schools under Panchayat management gave a fillip to the movement which was developing as a result of the example afforded by the concrete achievements of Panchayats already established and of the consequent increasing recognition of the need for the establishment of governmental bodies in villages armed with statutory powers for the efficient organization of the common life of the village and for the provision and improvement thereof. Some Panchayats exercised supervision over the Local Board Schools by appointing special committees, and this resulted in an increase in the number of their pupils and in their efficiency; while the duty of exercising supervision over aided schools in Panchayat areas was also entrusted to them. Inspecting officers of the Education Department were required to consult Panchayat before making their recommendations for the disbursements of the annual grants.<sup>15</sup>

The protection and supply of good drinking water claimed the attention of a large number of Panchayats. The construction of new wells, deepening of existing wells, clearing silt and deepening of long neglected tanks and construction of steps to tanks and channels were the main items undertaken. By 1930 nearly a hundred villages acquired an improved water supply while a number of old tanks and wells were repaired. While silt clearing and removal from the beds of drinking water tanks and other necessary repairs thereto involved large sums, special taxes, in some cases at heavy rates were levied and contributions where possible were obtained from Local Boards. Annual taxes continued to be levied in some areas for the employment of tank watchmen, either for the whole year or during the dry season only. A notable example of heavy taxation for the improvement of drinking water sources was the levy by the Bharati Panchayat of Mulangudi (Tanjor District) of a tax of twelve *kalams* of paddy per *veli* (6½ acres) of wet holding in the village.<sup>16</sup>

In the great majority of Panchayat areas, the cleansing of streets was attended to by the householders themselves and of public places periodically by communal labour. "Where the old custom still showed signs of life in getting this work done by the village *vettians* or other menials and of remunerating them by arrangements for feeding them or for paying them *merc*

15. G. O. No. 1424, Law (Education) dated 8-10-1923.

16. Panchayat Administration Report, 1925-26.



in kind at the time of harvest, steps were taken to adapt these arrangements to present-day conditions and to place them as far as possible on a statutory basis for the purposes both of enforcing the rendering of the service and the payment by every householder of his quota of the remuneration."<sup>17</sup> A large amount of work was done by Panchayats in nearly all the districts in removing prickly-pear from and around the *nattam* and from cart-tracks, foot-paths, drinking water tanks and other public places. Though in a few cases this work was done by means of special taxes or contributions, the bulk of the removal was done by communal labour mobilised or paid for under the *kudimaramat* system.<sup>18</sup> Several Panchayats co-operated with the district health staff during epidemics, purchased medicines out of their own funds and gave them for distribution, assisted the vaccinators during their visits to the villages concerned and scrutinized the village headmen's returns of vital statistics every month. Some of the dispensaries started under the rural medical relief scheme happened to be located in Panchayat areas and many of the Panchayats concerned assisted in helping and popularising these institutions.

The performance in time of the customary *kudimaramat* work and the field-wise distribution of water were undertaken by a good many Panchayats in irrigated tracts. The obligation for the performance of these duties rests on the body of *ayacutdars* and at their request (embodied in resolutions passed by them at meetings specially convened for the purpose), a large number of Panchayats took over, under Section 19 of the Village Panchayats Act, the enforcement of their obligation. The *kudimaramat* obligation was enforced by means of a tax in money or kind, sanctioned under Section 22 (2) of the Act, at so much per acre with the proviso, that if the labour was supplied in such quantity and at such time as may be required, the tax should not be collected. For securing an equitable field-wise distribution, many villages embodied the existing custom in the shape of bylaws under the Act. Some of them employed special *niranikkams* for regulating the distribution of water according to these bylaws or under the supervision of the Panchayats; others used the ordinary village servants for this purpose. Both these classes of distributors were remunerated out of taxes specially levied for the purpose or by means of *meras* at harvest time according to custom. The value of the work done by labour mobilised for *kudimaramat* for irrigation purposes was considerable although it is not possible to estimate it with any degree of accuracy. "There is nothing which has helped Panchayats to find favour in irrigated tracts so much," says the official Report on Panchayat Administration for 1925-26, "as the discharge in an efficient

17. *Ibid.*

18. *Ibid.*



manner of the customary irrigation obligations of the ryots on their behalf; and if collections, from the few recalcitrants who are always found in the villages, of the taxes levied by Panchayats for this purpose had been more prompt on the part of the village headmen, more work would have been done".

Progress was made in avenue and *tope* planting by some Panchayats. Some Taluk and District Boards transferred to Panchayats the care of trees belonging to them in Panchayat areas together with the income derived therefrom. A number of Taluk Boards also transferred the control over Local Board *porombokes* to the Panchayats in their areas. The Government Public Works Department in the Kistna and West Godavari Districts transferred to Panchayats the right to cut grass and appropriate the income from fallen and withered trees on the banks of canals and drains on payment annually to Government of the average lease amount realised over the previous five years. Several Panchayats managed, on behalf of the village communities, the *samudayam* lands which yielded considerable revenue. Some Panchayats in the Circars also managed endowments and appropriated their proceeds. The protection of standing crops and other property was another function in respect of which many Panchayats in the Tanjore, Madura, Ramnad, Tinnevely and Salem Districts interested themselves. Taxes both in kind and cash were levied for employing the staff needed for the purpose. Individual Panchayats undertook a variety of other activities as well. The revival and proper performance of *puja* and festivals in village temples, their repair and renovation and management of religious service engaged the attention of many Panchayats. A considerable number participated in the National Health and Baby Week celebrations. Some undertook the regulation of village services and the control of the men that rendered them, while a few others asked for powers to control encroachments on *nattams* and other communal *porombokes*. Five Panchayats in the Sattur Taluk rendered help in the collection of land revenue.

Thus it was that splendid work was done by Panchayats in the period 1920 to 1930 almost on the model of the ancient village assemblies, and this was due to a variety of factors. First, the Village Panchayats Act of 1920 gave Panchayats a wide field to play their role and full freedom of action; secondly, the Panchayats were lucky in having as Registrars-General Sri N. Gopalaswami Iyengar and Sir T. G. Rutherford, both of whom evinced great interest in the movement and gave it that personal touch and guidance which alone make any movement flourish; and finally, the enthusiastic work turned out by the body of Honorary Organizers who laboured without any remuneration, the liberal policy pursued by the Government, especially since 1925, by making generous grants to Panchayats for communications, water supply, education and libraries and the helpful attitude of man;

District and Taluk Boards who supplemented Government grants by their own contributions and nursed the growth of the Panchayats in their areas contributed not a little to the success achieved.

### Resources

The financial position of the Panchayats was, however, the weakest point in the whole scheme. Under the Village Panchayats Act of 1920, no tax was compulsory, but Panchayats were permitted to raise taxes suitable to the locality. The resources of Panchayats were: funds raised by taxation under Section 25 of the Act, transferred sources and grants from the Government and Local Boards, customary communal income and voluntary contributions from private individuals. While the Act specifically mentioned six kinds of taxes as leviable by Panchayats, it did not, on the one hand, put any obligation on a Panchayat to levy any one or more of these taxes nor, on the other, did it prevent it from levying any other kind of tax not specifically mentioned, the list being illustrative and not exhaustive. This does not mean that those Panchayats which did not apply for sanction of the levy of a tax or fee did not work, or did not actually collect taxes or fees. The second Registrar-General of Panchayats, Sir T. G. Rutherford, was indeed surprised at the willingness of villagers to tax themselves—"In what was a non-co-operation centre in 1922 in Guntur, the villagers are raising funds by taxes, mainly on their produce, to a surprising extent for the improvement of communications and water supply."<sup>19</sup> A similar view was expressed by the Indian Taxation Enquiry Committee when they said: "In Madras, a far wider discretion (than in Bengal, Bihar and Orissa) in the matter of taxation and of function has been given and...the scope of their activities in the matter of imposing taxation on the villages is already remarkable."<sup>20</sup> A long list of taxes reported by the Committee as having been imposed in the different villages of Madras during their visit was considered by the first Registrar-General, Sri N. Gopalaswami Iyengar, as not exhaustive.<sup>21</sup>

The notable sources of village taxation were: (1) Marriage Fees; (2) *Mahimai*, taxes on carts which carry away grain, etc., from the village; (3) Taxes on artisans, on oil-mills, and on looms; (4) Market fees; (5) Taxes on temporary stalls set up during the harvest season near threshing floors for the sale of betels, arecanut, sugar-cane and confectionery.<sup>22</sup> A large

19. *Panchayat Administration Report, 1929-30.*

20. *Report*, p. 287.

21. *Panchayat Administration Report, 1925-26.*

22. *Ibid.*

number of informal tax levies, including *meras*, were made legally enforceable under the Act. During the year 1925-26 "324 orders sanctioning one tax or another were in force in 198 Panchayat areas."<sup>23</sup> In a large number of Panchayat areas, customary levies of various kinds continued to be collected without legal coercion.

But the real drawback of the Act of 1920 was that it gave Panchayats no assured income which might serve as a nucleus for their resources. Already in 1915 when the Madras Government issued their order regarding the formation of Panchayats, they proposed to give them a portion of the land cess raised in the villages, but this was not given effect to. During the years after 1920, the attention of Taluk Boards was drawn to the need for equipping every village Panchayat with at least a small nucleus of income out of the existing Taluk Board resources, especially in view of the fact that Panchayats relieved them of a great deal of responsibility in respect of village sanitation, water supply and communications. But the aggregate help so received was small and the sources transferred were miserably poor in their yield.<sup>24</sup> Panchayats which showed the greatest activity had to rely largely, in some cases almost solely, on such sources as they could themselves raise. Moreover, under the Act and the rules framed thereunder, the President of a Panchayat could make collections of taxes only so long as they were paid without demur. If coercion were necessary for obtaining payment, the village headman alone could employ the coercion. Naturally, collections were in arrears in several Panchayat areas; for, while the Panchayat sanctioned the tax, the odium of collecting it was left to the headman who put off the evil day until any further evasion of his statutory duties in this regard would be immediately visited with suitable punishment by his official superiors. Above all, the provisions for compulsory recovery could not be enforced against defaulters if the levies were not sanctioned under the Act.

#### **The Local Boards (Amendment) Act of 1930 and Reorganization of Panchayats**

By 1928 the number of Panchayats had increased to nearly 3,000 and the Government realising the difficulty experienced by the Registrar-General in supervising so many village bodies, transferred the well-established Panchayats to the control of Collectors. A new Panchayat Bill calculated to remove the defects noticed in the actual working of the Act of 1920 and to place the village Panchayats in a much stronger position statutorily was drawn up by Sri N. Gopalaswami Iyengar, but for some reason (unreason?) it did not see the light of day. On the other hand, the Village Panchayats Act of

23. *Ibid.*

24. *Ibid*—1926-27.



1920 was repealed and Panchayats were brought within the ambit of the Madras Local Boards Act which was so amended by Act XI of 1930 as to make these infant institutions units of Local Self-Government. Panchayats thus entered upon a new phase of their existence. The 438 Unions that existed before 1930 in large villages which bore urban characteristics were also brought into line with the rural Panchayats. Their numerical strength varied from 8 to 16, and protection was afforded to minority communities, by reserving seats in the Panchayat for members of scheduled castes, Indian-Christians and Muslims. A change in the electoral system was made by abolishing the ancient adult franchise and limiting the qualifications for registration as voters to those applicable to the registration of voters first for the District Boards and later to the Legislative Assembly. The post of Registrar-General of Panchayats was abolished and the supervision and control of these bodies was divided between Taluk Boards while they existed and subsequently between District Boards and the Government through the Inspector of Municipal Councils and Local Boards. As the number of Panchayats grew, District Panchayat Officers and Assistant Panchayat Officers were appointed under the dual control of the Inspector and the District Board, and the Deputy Inspectors of Municipal Councils and Local Boards appointed in recent years exercise powers over Panchayats concurrently with the Inspector.

As the Village Panchayats Act of 1920 guaranteed no statutory income to the Panchayats, the Local Boards (Amendment) Act of 1930 made a definite provision by granting one-sixth of the land cess levied in the village (i.e., three out of eighteen pies in the rupee) which was increased to one-third (six pies) in 1934 when Taluk Boards were abolished. This is augmented by some wide and elastic sources of income,<sup>25</sup> of which several Panchayats have already taken advantage. Specific mention was made in the Act of the house-tax and profession tax, and Panchayats were empowered as before to levy, with Government sanction, any tax that is suitable and useful to the village.

With this reform it may be said that instead of the ancient village institutions being revived, Panchayats became a miniature copy of the smallest unit of democratic administration in the West. These bodies remained very much the same, but the impetus which they lacked owing to the changed conditions of village life was supplied by the enthusiasm which the introduction of democracy infused into this life. In addition to the functions already exercised under the Village Panchayats Act of 1920, sanitation, health, water-supply and drainage, roads, education, lighting (sometimes even electrically), recently radio-service, libraries, control over markets, cart-stands and slaugh-

25. Rule 5 of Schedule V to the Madras Local Boards Act, 1920.

ter-houses, have come to be performed by Panchayats since 1930—"in general everything necessary for, or conducive to, the safety, health, convenience or education of the inhabitants, or the amenities of the local area concerned".<sup>26</sup> In other words, the functions that are attended to by Municipalities in towns are being performed by Panchayats in rural areas. Thus the Panchayat became an arena of a different kind and its powers and duties came to be viewed from a totally different angle.

#### Progress since 1930

Still it was also during the period after 1930 that Panchayat administration deteriorated considerably compared with the record noticed in the previous decade. Although the growth of party politics in village Panchayats was, to some extent, responsible for this set-back, yet the most important cause has been the absence of direct touch which the Provincial Government had with these institutions during the previous decade through the agency of the Registrar-General, as this post was abolished and the work of supervision and control of Panchayats was transferred to the newly created Inspector of Municipal Councils and Local Boards, who could not, in the nature of things, give his whole time to Panchayats, being concerned also with the work of Municipalities and District Boards. It is true that District and Assistant Panchayat Officers were appointed at about the same time, but these officers were in the early years mere propagandists and charged mainly with election work. They were, moreover, attached to the District Boards with all their party and personal politics and had very little initiative or power to direct Panchayat administration on proper lines. The contact of the Provincial Government with Panchayats thus receded. It is not therefore surprising that successive administration reports since 1930 speak of the growing tendency in Panchayat Boards towards faction and maladministration in some form or other, with the result that supersession of Panchayats, removal of Presidents and surcharges have become the normal routine of the Inspector of Municipal Councils and Local Boards. With the introduction of Provincial Autonomy in 1937, the movement to foster the growth of Panchayats into autonomous units and emphasize their role in the further development of rural self-government was given fresh impetus with a view, as it was proclaimed, to making it eventually the broad basis of All-India Self-Government. Sri T. Prakasam, the then Revenue Minister, had a draft Bill prepared, giving wide powers to Panchayats, including the power to manage forests and irrigation works and to try petty civil and criminal cases in villages, thereby replacing the existing Village Courts. But with the advent of World War II and the

26. Sec. 112 (1) of the Madras Local Boards Act, 1920.

resignation of the popular Ministry in 1939, the hope of reform of Panchayat administration receded into the background.

The need to carry out essential reforms even during war time was still pressing and the Adviser Government published a Bill in 1941 for reorganizing village Panchayats in the Province. Its main features were :—(1) Introduction of *ex-officio* membership of the village headman who was also to be eligible for Presidentship; (2) Creation of whole-time Executive Officers for Major Panchayats and the appointment of the village *Karnams* as honorary executive officers for Minor Panchayats; (3) Supervision and control of Panchayats by the District Collector, the Revenue Board being the co-ordinating body over the Collectors; (4) Compulsory levy of a house-tax and an additional levy of three pies of land cess and (5) Provision for the appointment of a nominated Panchayat. The Bill roused opposition all over the Province to such an extent that the Government thought it fit to refer it to an Advisory Committee, consisting of Presidents and ex-Presidents of District Boards and other persons interested in rural development in general and the Panchayat movement in particular. The Committee recommended several changes affecting the scheme of the Bill, the most important of them being (1) that the District Collector should be entirely divorced from Panchayat administration; (2) that the Board of Revenue need have nothing to do with the control of Panchayats and that instead, the post of Registrar-General of Panchayats should be recreated; (3) that Panchayats should be compulsorily constituted for all villages in the Province in the course of five years; (4) that Village Officers should be precluded from Panchayats, though the headman might function as a temporary President for short periods in the absence of the President; (5) that adult franchise for all men and women of over 21 years of age and the system of ward division and voting by ballot should be introduced in all Panchayats; (6) that only Panchayats with a normal income of Rs. 5,000/- and more should have whole-time paid executive officers; (7) that the levy of house-tax and vehicle tax should be made compulsory, but the proposed additional land-cess of three pies should be optional and (8) that there should be no nominated Panchayats.

The immediate result however was that instead of a separate law for Panchayats repealing the Local Boards Act and overhauling the entire organization, only an amendment was made to the Madras Local Boards Act of 1920 by Act XIX of 1943, by which whole-time Executive Officers have been appointed to all Major Panchayats and such of the Minor Boards as have been notified by Government in this behalf. It was only in April 1946, just before the popular Ministry took office, that the Adviser Government published a Village Panchayats Act (Madras Act No. XII of 1946) which contemplated reorganization of Panchayat administration mainly along the lines of the Bill of 1941, though with some modifica-



tions. The powers of the Collector in the matter of supervision and control of Panchayats in the district have been retained, though evidently he is to function subject to the control of a Registrar-General who is to be the Provincial supervising authority in the place of the Board of Revenue originally provided for in the Bill of 1941. The ex-officio membership of the village headman and his eligibility to exercise the Presidential functions in the absence of the President and Vice-President are retained though the role of the *Karnam* as honorary executive authority of the Minor Panchayat assigned in the Bill of 1941 is dropped out. The clauses of the Amendment Act of 1943 providing for the appointment of whole-time executive officers for notified Panchayats have been incorporated in the new Act also. Among others, the provision made in the Bill of 1941 for nomination of members has been retained, though it is to be resorted to only in special circumstances such as faction or disorder in the village. The Act itself is to come into force only on such date as may be fixed by Government by notification in the Fort St. George Gazette. But it is unlikely that it will be enforced in its present form, and a fresh Bill calculated to remove the objectionable features contained in the Act of 1946 and make the working of Panchayats effective and useful, is being drafted to be placed before the Legislature shortly.

#### Present Position

Panchayats are scattered over the whole Province, being most numerous in the districts of North Arcot, Salem, Tanjore, Chingleput, Ramnad, Chittoor, West Godavari and Guntur. They have been classified, mainly for purposes of audit and accounts, into Major and Minor Boards, the Major ones consisting of those with an income of Rs. 3,000/- and above, while the minor Panchayats comprise the vast majority with an annual income below Rs. 3,000/-. Incidentally, it may be observed that there are some Panchayats with unmistakable urban characteristics with an annual income of over a lakh of rupees, fit enough to be converted into Municipalities.

According to the latest figures available, there are in all 7,237 Panchayats in this Presidency with a population of over ten millions living within their jurisdictions. 373 of them are Major Panchayats. Except these latter which have their offices located in their own buildings or rented buildings as the case may be, most of the Minor Panchayats have their offices in the houses of Presidents or members of the Boards concerned or in public places like the village School or Choultry or Chavady. 140 Minor Panchayats had offices of their own in 1942. All the Major Boards and about 325 Minor Boards are divided into wards for purposes of election. The members, Presidents and Vice-Presidents of all Panchayats are elected. The following statement shows the number of Panchayats constituted, the number abolished, the number dissolved and reconstituted, the number under supersession, and the total

number of Panchayats working and the number of Presidents removed during the years 1939-1945 :—

1	2	3	4	5	6	7
Year	No. of Panchayats constituted	No. of Panchayats abolished	No. of Panchayats dissolved and reconstituted	No. of Panchayats under super-session	Total No. of Panchayats working	No. of Presidents, Panchayat Boards, removed
1939	195	32	7	37	6,614	17
1940	181	28	6	67	6,767	29
1941	18	53	7	17	6,732	50
1942	14	46	—	12	6,672	—
1943	15	28	—	48	6,660	—
1944	31	15	—	12	7,084	—
1945	73	28	15	22	7,129	46

The figures under columns 4 and 7 for the years 1942, 1943 and 1944 are not available.

The Major Panchayats are generally regular in convening monthly meetings (they held 5291 meetings in 1940-41 of which 219 were adjourned for want of quorum and 63 for other reasons) and as regards Minor Boards, though monthly meetings are not generally convened by them for one reason or another, they show on the whole a fair average of meetings held (44,233 in 1942-43). Sub-committees are formed by some Panchayats, both Major and Minor, under section 28 of the Madras Local Boards Act and are generally concerned with such matters as supervision of Health and Baby Week celebrations, execution and measurement of works, provision of sanitary arrangements during fairs and festivals and so on. (104 Minor Boards formed such Committees in 1942-43). All Major Boards have whole-time clerks in varying numbers according to the degree of their importance and financial capacity, and Executive Officers are functioning in over 300 Major Panchayat Boards after having been notified under the Madras Local Boards (Amendment) Act of 1943. As regards Minor Panchayats, nearly 1,500 of them employ clerks, (whole-time clerks in 382 Boards and part-time clerks in 1098 Boards in 1942-43). In the case of others, the President, or one of the literate members of the Board or a teacher in the Panchayat or District Board School as the case may be, attends to the scriptory work of the Panchayat. It is needless to say that Panchayats are still backward in matters pertaining to procedure and official correspondence.

The biggest service rendered since 1930 is lighting. Nearly 1,400 Minor Panchayats maintain ordinary lights and 140 maintain electric lights, excluding Major Panchayats about which no information is available. Nearly 3,000 Boards attended in 1941-42 to formation, repairs, or improvements of village roads, streets, pathways, lanes and by-lanes; 270 constructed culverts or bridges, while a few attended to the work of removal of encroachments. 1,500 Panchayats maintain schools of which a thousand own buildings of their own. A large number of these Panchayats are nothing more than school committees and have no other activities. The following statement shows the number of schools provided, the number of working schools, the number of teachers employed and the number of pupils on roll for the years 1938-39 to 1944-45 :—

Year	No. of Schools provided	No. of Schools that worked	No. of Teachers employed	No. of Pupils (boys and girls) including Scheduled caste pupils
1938-39	.. 1,512	1,463	1,983	70,899
1939-40	.. 1,512	1,471	2,037	72,975
1940-41	.. 1,512	1,455	2,033	73,790
1941-42	.. 1,512	—	1,970	70,265
1942-43	.. 1,512	1,492	1,893	75,517
1944-45	.. 1,512	1,380	1,950	70,247

The figure under col. 3 for 1941-42, is not available (as also the figures under all the heads for 1943-44.)

More than a thousand Panchayats maintain libraries; about 500 run reading rooms; while nearly 375 subscribe to newspapers or journals of different kinds.

Sanitation continues to absorb the attention of a large number of Panchayats. Nearly 1,500 Panchayats attend to sweeping and scavenging work and employ about 2,500 sweepers and scavengers between them. About 600 Boards maintain public latrines and 150 have private scavenging service. 1,362 Panchayats expended a sum of Rs. 24,328 in combating epidemics and 313 made sanitary arrangements during fairs and festivals in 1942-43; while 2,071 Boards attended to the repairs to drinking water sources, sinking of new wells or tube wells, removing silt etc., in 1941-42. A few Panchayats maintain dis-



pensaries also. In 1942-43, 340 Panchayats maintained public latrines and 75 licensed private markets and derived an income of Rs. 79,739/-. A sum of Rs. 71,132/- was derived as contribution from District Board markets located in Panchayat areas. In the same year, 99 Panchayats maintained slaughter houses and 37 licensed private slaughter houses and derived an income of Rs. 10,756, while 15 maintained *chatrams* and choultries; 1940 Boards provided cart-stands and bus-stands deriving an income of Rs. 14,446. In some districts, Panchayats have also provided amenities for the convenience of the passengers such as provision of sheds, water-troughs, latrines and sweepers to keep the stands in a sanitary condition. Some Panchayats have declared industrial areas under Section 193 of the Local Boards Act and taken steps to have industries in residential areas removed.

The provisions of the Places of Public Resort Act, the Town Nuisances Act, the Public Health Act, the Food Adulteration Act, the Town Planning Act and the District Municipalities Act are in force in some Panchayats. These Acts are supplementary in character meant to regulate or strengthen the powers and activities of the local authorities concerned in the discharge of their duties under the ordinary law governing them.

### **Financial Position of the Panchayats**

#### **MAJOR PANCHAYATS**

*Receipts (In Lakhs of Rupees)*

## A STUDY OF PANCHAYATS IN MADRAS

Expenditure (In Lakhs of Rupees)

	1936-37	1938-39	1940-41	1942-43	1944-45
1. Sanitation ..	7.52	7.32	9.02	11.31 *	19.13
2. Lighting ..	6.38	7.36	7.96	6.64	7.20
3. Roads ..	2.26	2.71	3.19	3.23	4.75
4. Establishment (General and Collection) ..	3.88	3.73	4.00	4.57	7.60
5. Other Items. Ordinary and Capital (excluding deposits and advances) ..	8.04	11.19	12.05	10.20	15.40
Total ..	28.08	32.31	36.22	35.95	54.08

Note :—The Statement does not include deposits and advances as well as opening and closing balances. The realization of land cess for 1936-37 is not readily available.

## MINOR PANCHAYATS

Receipts (In Lakhs of Rupees)				Expenditure (In Lakhs of Rupees)			
	1936-37	1938-39	1940-41		1936-37	1938-39	1940-41
1. Taxes, Fees and other Receipts ..	11.53	11.85	16.14†	1. Roads ..	3.02	3.51	6.40
2. Contribution from Government and others ..	3.57	2.41	3.61†	2. Other works ..	2.04	1.41	—
Total ..	15.10	14.26	19.75	3. Elementary Schools ..	2.56	2.89	—
				4. Sanitation ..	0.46	1.03	—
				5. Lighting ..	0.66	1.10	2.15
				6. Other charges ..	3.52	3.34	—
				Total ..	12.26	13.28	8.55*

†Comprises the following sources of income.

(a) Land Cess ..	12.00 Lakhs
(b) House Tax ..	1.80 "
(c) Profession Tax ..	0.43 "
(d) Vehicle Tax ..	0.05 "
(e) Mahimai Tax ..	0.12 "
(f) Kolagaram Tax ..	0.07 "
(g) Other Taxes ..	0.20 "
(h) Income from Markets Cart-stands and Slaughter Houses ..	0.97 "
(i) Licence Fees ..	0.50 "
Total ..	16.14 "

‡Includes Rs. 3.53 Lakhs of teaching grant and Rs. 0.08 Lakh of grant for communications.

\*Complete Statistics are not available in respect of items, 2, 3, 4, and 6 for 1940-41.

## MINOR PANCHAYATS

## A

Receipts (In Lakhs of Rupees)			Charges (In Lakhs of Rupees)		
	1942-43	1944-45		1942-43	1944-45
1. Land Cess ..	13.16	13.19	1. Roads ..	7.81	8.89
2. House Tax ..	2.24	2.78	2. Lighting ..	1.43	1.25
3. Profession Tax ..	0.67	0.63	3. Conservancy ..	2.18	4.00
4. Mahimai Tax ..	0.27	0.10	4. Sanitary arrange- ments for fair and festivals ..	0.12	—

## B

	1942-43 (In Lakhs of Rupees)	1944-45 (In Lakhs of Rupees)
Opening Balance ..	23.97	32.07
Receipts ..	32.27	38.63
Expenditure ..	27.88	31.77
Closing Balance ..	23.36	38.93

*Note* :—Whereas the statement A covers only a few major heads, the statement B covers all the items under receipts and expenditure.

## Estimate of Progress

Looking back, we find that although it is more than twenty-five years since the Panchayat movement in the Madras Presidency was started, still, considering the vastness of the country, the number of Panchayats is small, varying as it does from district to district largely with the interest taken by the people and the enthusiasm of the local officers concerned. They have spread over just a fifth of the total number of the villages in the Province. Depending as they do on a portion of the cess income as their financial nucleus, they are at present confined to the larger villages. Their working has been found to be unsatisfactory in most cases. Here is a strong official indictment: "Strong faction exists in many Panchayats which not only retards progress but generally prevents the administration from doing any useful work in the interests of the village as a whole. Panchayats have often to depend upon clerks who are corrupt or mischievous. In many Panchayats meetings are not convened regularly, sanitation is generally neglected; drinking water supply is not provided, roads are badly maintained, favouritism is shown in the acceptance of tenders, collection work is poor, instructions contained in audit reports are disregarded and budgets are not properly prepared; nor is expenditure effectively controlled, with the result



that there is waste and misapplication or squandering of money. Misappropriation of Panchayat funds is fairly common".<sup>27</sup>

The breakdown of the community spirit which is what faction implies, the absence of enlightened leadership, the increasing influence of caste and communal friction, the apathy of villagers and their feeling of helplessness and dependence on outside Government agencies for effecting improvements in their lot—it is these factors, which are the characteristics of the village in a state of decadence brought about by the changes of the last one hundred and fifty years, that are responsible for the unsatisfactory state of affairs in Panchayats. However, while it is only too true that the work of several Panchayats has been hampered by the introduction of personal or party considerations into the day-to-day administration, it cannot be said that the Panchayats have not on the whole fared well. In small villages it is not an easy matter to get rid of the personal element and these institutions need not be condemned merely because of the existence of a political clique or because of a President whose influence is much too personal.

Much headway has no doubt to be made by Panchayats in the provision of all the essential amenities of civilized existence—communications, sanitation, water supply, etc. The problems that require consideration are how far, for effecting the desired improvements in rural life, the existing constitution, functions, powers and finance of these bodies are adequate, how far the existing machinery of supervision and control is effective and along what lines reorganization, if found necessary, should proceed in respect of these. We study these questions in detail in the subsequent chapters.

27. Statement of Objects and Reasons attached to the Madras Village Panchayat Bill, 1941.

### CHAPTER III

## CONSTITUTION OF THE PANCHAYAT BOARD

### Administrative Areas

Efficiency in administration depends much on the capacity of the area to raise the funds required, by means of taxation and other sources, which in turn is dependant on the size of the area, its density of population and available general resources. In other words, the appropriate area is one where alone the functions can be carried on with the maximum of efficiency and economy and with the least amount of waste. The question that has to be decided before everything else is, whether for bringing about substantial improvements found to be absolutely necessary in rural life to-day, it is essential to have a separate panchayat in each village with the powers and attributes of a local authority, or whether it is better on the whole to set up such an authority only for an area bigger than a village, say, a taluk or a revenue district, and have all the local services provided through it.

Till the year 1934, there were in Madras three sets of authorities—the District Board, the Taluk Board and the Village Panchayat—for purposes of local administration in the rural areas. The functions discharged by the Taluk and District Boards were practically identical, and whatever distinction there was between the two bodies was not based on any rational principle. An artificial distinction was instituted between them in the classification of markets, fairs and festivals, libraries, roads, and even in regard to medical relief, the local inhabitants were made to look to District Boards in some cases and Taluk Boards in others. This, together with the inability of many Taluk Boards to provide adequate funds for the expansion of services resulted in conflicts between Taluk and District Boards and brought the question to the forefront whether it was worthwhile at all to continue to have Taluk Boards in any scheme of rural self-government. For, “it is clearly contrary to common sense that there should, in any area, be two sets of authorities dealing with indistinguishable problems. The result of such a system is that no single body is in a position to study the needs of the whole area in relation to the financial burden which it can and ought to be asked to bear”.<sup>1</sup> Experience has shown that “sub-division of administrative districts leads, in the aggregate, to large disbursements in the way of salaries due to the multiplication of officers and in the way of office accommodation for these and for the Local Authority”.<sup>2</sup> The existence of the Taluk Boards, therefore,

1. Sir Kingsley Wood—*Relief to the Tax Payer*, p. 30.

2. Sir I. G. Gibbon before the *Royal Commission on Local Government in England*—*Minutes of Evidence*, Part I, p. 30.

led to the crippling of the resources of Panchayats on the one hand and of District Boards on the other. The centralization of the revenues under the control of one institution was urged as being conducive to economy and efficiency in the maintenance of the services, and Taluk Boards in Madras were abolished and their resources and functions transferred to the District Boards in 1934.

But complaints began to be made soon that there was too much centralization of authority in the District Board, that the area of the District Board was too vast and its functions were too many, while its resources were very limited. Soon after the abolition of the Taluk Boards and prior to the inauguration of Provincial Autonomy in 1937, the then Ministry in Madras bifurcated as many as sixteen revenue districts and provided for two District Boards in every revenue district. But, the Congress Government, soon after their assumption of office in 1937 gradually amalgamated the bifurcated Boards into a single Board for each revenue district. At one time, the Minister for Local Administration in the first Congress Government even suggested the abolition of District Boards as well, but it raised such a storm of protest all over the Province that the idea was not pursued. For, "historical tradition in local government is a mighty and persistent enemy of reform. Local self-consciousness, local spirit—indeed local animosities—starkly oppose radical new departures".<sup>3</sup>

There are to-day two sets of local authorities for the rural areas of the Province—(1) a Panchayat for each village conterminous with the limits of a revenue village, or in special circumstances for two or more revenue villages or portions thereof and (2) a District Board with jurisdiction over the entire revenue district excluding the areas where Panchayats and Municipalities have been already constituted. Already in 1925, the Indian Taxation Enquiry Committee had expressed the view that "it is very desirable, from the point of view of taxation at any rate, that the development of the future should be in the direction of restoring the influence of the village Panchayat and limiting the functions of the bodies at present operating"<sup>4</sup> (namely, the District and Taluk Boards). But the question is whether an independant village can sustain itself.

#### Weakness of the Village Basis

*Prima facie* the case for a single village Panchayat does not appear to be strong. Its small size and population with its low level of prosperity make it difficult to start and work efficiently any service for promoting local welfare or satisfying local needs. A revenue village may consist of a group of

3. Joseph Sykes—*A Study in English Local Authority Finance*, p. 237.

4. *Report*, p. 323.



residential units—a main village with one or more hamlets attached to it; in some cases the hamlets themselves may be separated from one another by a mile or two without any dwelling houses between them, as it is invariably the custom in this Province for scheduled class families to live away from the main village, while sometimes different communities belonging to these classes live in different hamlets. Each hamlet has thus its own problem of water supply, sanitation, communications, etc., and it is no wonder that complaints are often heard that when Panchayats are constituted on the basis of the revenue village, attention is bestowed chiefly on the needs of the main village to the neglect of those of the hamlets. But, is it possible to set up a Panchayat in each and every hamlet? According to the information<sup>5</sup> available, there are 35,430 revenue villages in Madras and on the basis of population, they may be classified as follows:—

Population		Number of Villages	
		(1931 census)	(1941 census)
Under	.. 500	.. 28,528	.. 12,465
Between	.. 500-1,000	.. 9,656	.. 9,228
Between	.. 1,000-2,000	.. 8,465	.. 8,203
Between	.. 2,000-5,000	.. 4,582	.. 4,929

It is clear that most villages being small, the financial resources of the Panchayats if constituted for each of them will be far too inadequate to permit of any effective improvements in respect of communications, health and education. In fact, this is the deplorable situation in most of the Panchayats to-day. The following figures are instructive:—

Annual Income		No. of Panchayats
Below	.. Rs. 100	.. 1,840
Between	.. Rs. 101 and Rs. 200	.. 1,528
Between	.. Rs. 201 and Rs. 300	.. 839
Above	.. Rs. 300	.. 2,305

5. *Census of India*, 1941, Vol. II, Pp. 2, 16 and 17. In the census of 1931, the total number of villages in the Province was reported as 51,487. The reduced figure in 1941 is due, among other reasons, to boundary revisions caused notably by the formation of the Orissa Province.

does have some effect and.....anything which strengthens the feeling of local self-government is very valuable from a national point of view".<sup>11</sup> Similar is the feeling in the United States where the system of township organization is still advocated "on the theory that the power which administers their affairs and which assesses taxes on their property is nearer and more easily controlled by them under township organization".<sup>12</sup> The parish, township and the panchayat have thus a definite place in any scheme of administrative organization.

### Compulsory Formation

The main role of the rural communities or panchayats being representative and regulatory in character, no elaborate argument is necessary to establish the need that exists for the universal constitution of Panchayats throughout the Province. Panchayats are at present constituted on a voluntary basis—"on the basis of full and free consent" of the villagers concerned, the power of constitution being left in the hands of the Provincial Government themselves. It is evident that if the benefits of 'communal' life are to be fully reaped by the villagers, there should be provision for compulsory constitution of the Panchayats, subject to a certain minimum population, say 1,000. The revenue village should normally be the unit, but in special circumstances small villages may be grouped together, if separate Panchayats cannot be formed for them, and the law made sufficiently elastic to enable small villages to federate for certain purposes for which the existing areas are found too small and on the other hand, to enable large unions to delegate powers and duties to ward or village committees when the existing areas prove too large for any particular function. No doubt in the past, artificial grouping of villages has often led to friction and faction among the constituent units and to the neglect of the interests of the hamlets to the advantage of the main village. Care must therefore be taken to see that where grouping cannot be helped, the villagers so grouped are contiguous and bound by common interests as far as possible. In any case, where the jurisdiction of a Panchayat extends to more than one village, each hamlet or part thereof as the case may be, should form a unit or ward by itself to secure adequate representation to all communities or interests.

### Units at Higher Level

The village or a group of villages as the case may be, being the basic unit, the question arises as to the units of administration that should be created at a higher level viz., in the taluk and in the district. There is vague talk about the revival of Taluk Boards, but the circumstances which led to their abolition in 1934 are still so compelling as to render their revival

11. Quoted in W. A. Robson's *Development of Local Government*, Pp. 158-159.

12. Fairlie and Kneier—*Country Government and Administration*, Pp. 467-468.

unnecessary and undesirable. There is absolutely no need for an intermediary body between the village and the district. This does not mean however that the considerations which apply to Taluk Boards hold good for District Boards as well, and that with the universal establishment of Panchayats there will be no need for District Boards which, in the view of a certain section of reformers, should be abolished. As has been already shown, the complete transfer to Panchayats of all administrative activity, including financial responsibility, is neither possible nor desirable, and even if a particular Panchayat is rich enough to provide institutions like a school or dispensary or construct a road, "the number of persons using the services on which their revenues are spent will be comparatively small with the result that the returns from expenditure calculated in terms of literacy, health, etc., will not be at their maximum. The overhead costs will be relatively heavy and expenditure will be uneconomical or wasteful".<sup>13</sup> Moreover, in matters relating to Public Health or Communications a large degree of uniformity would be necessary in administration, and this can be achieved only by an authority having jurisdiction over an extensive area like the District Board. Otherwise, the default of a single Panchayat in the discharge of its duties relating to say, the prevention of an epidemic or the pollution of a drinking water source or the proper maintenance of a district road may nullify the good work done by other Panchayats in the area. The retention of a district co-ordinating authority is therefore a vital necessity on considerations of both finance and administration, if the other alternative of the transfer of all local administration to the Provincial Government, which will amount to killing local self-government, should be avoided.

### Joint Committees

It is, however, argued by the advocates of the abolition of the District Boards that the objects of uniform administration and co-ordination might be better attained by the institution of joint committees or regional boards representative of a group of panchayats which are looked upon by at least some of these enthusiasts as a panacea for all the ills arising out of the existence of smaller local authorities. Sri V. Vyenna Pantulu, Secretary of the Madras Provincial Union of Panchayat Boards, is a strong advocate of this view. A joint committee consisting of representatives of the constituent Panchayats is considered to be a highly flexible organization, as it can undertake especially in the poorer groups, joint activities for any and every kind of service like sanitation, water supply, markets, schools, dispensaries, etc., and even provide the necessary staff for the purposes connected therewith such as a sanitary maistry, a doctor and a midwife, an overseer for preparing

13. *The Indian Journal of Political Science*, Vol. IV, No. 4—Article on "The Village in the Structure of Local Government"—by M. Venkatarangaiya, p. 341.



plans and executing works and a Secretary or Executive Officer who would be responsible for executive administration and for general help and advice. The utility of joint committees has been recognized in every country<sup>14</sup> and provision for the formation of such committees has been made in the Acts governing local bodies in the different provinces of India. In Madras voluntary groups of this kind existed and functioned in many places in the period 1920-30. "Progress was made", says the official Report on Panchayats for 1926-27, "in the formation of unions of Panchayats in compact areas for purposes of co-ordination and helpful supervision, advice and assistance. These unions and associations have served the useful purpose of bringing together periodically the representatives of Panchayats, of enabling them to compare notes and making arrangements for matters of common concern". There is indeed a provision in the Madras Local Boards Act for the constitution of joint committees and the Provincial Government have the power of requiring a local board, if necessary, to "join with one or more than one other local authority in constituting a joint committee for any purpose in which they are jointly responsible",<sup>15</sup> although this power is not used systematically.

An examination of the nature and working of these committees, however, shows that nowhere in India has any large use been made of this institution. Nor can they ever be regarded as substitutes for bigger authorities like the District Boards. Very few Panchayats take the initiative in the formation of such committees; nor can the Provincial Government undertake the responsibility of their compulsory constitution, as it may well be found that instead of bearing this burden, the services may be better performed by direct departmental agencies themselves. Again, if joint committees are empowered to raise taxes for financing their joint undertakings without reference to the Panchayats of which they are committees, the number of taxing authorities to which the inhabitant of a village becomes subject will increase, and this in turn will lead to many of the evils associated with multiple taxation. If on the other hand, they are made to depend on contributions from individual Panchayats, controversies are bound to arise as to the basis on which each Panchayat will have to bear its share of the burden, and in the absence of any hard and fast rule that can be devised in the allocation of the burden a good deal of arbitrariness is bound to arise. The Provincial Government may have to step in again and again to settle the disputes of which there may be no end. A large increase in joint committees—which is inevitable because almost every service will require such an organization—will also bring in its train all the disadvantages arising

14. *English Local Government*—H. Finer, Pp. 156-158, and *Development of Local Government*—W. A. Robson, Pp. 109-124.

15. Section 30.

out of the multiplication of *ad hoc* authorities without any machinery to co-ordinate their activities.<sup>16</sup> The citizen in every locality will have to look to different authorities to satisfy his needs and pay taxes and fees to numerous bodies, each with a policy of its own and basing its decisions on an estimate of the absolute importance of its function and having no opportunity to view it in relation to other services. Joint Committees, however useful for certain limited purposes, may at best be made permissive and not compulsory, as they cannot be substitutes for larger authorities like the District Boards to manage and co-ordinate all services deemed suitable for regionalization.

There is no doubt that with the universal establishment of Panchayats and the provincialization of services like Public Health, Education and Communications, which is the tendency to-day in view of their avowedly national importance, there may be no need to continue to have the present organization and establishment of District Boards. But this does not mean that they should be done away with altogether. Still they have a vital role to play as district co-ordinating and advisory bodies, and the administration of social services in rural areas will necessarily require two kinds of local authorities—the Village Panchayat and the District Board or District Council of Panchayats, as it may be called.

### Franchise and Election

In view of the fact already emphasised that the primary role of the Panchayat is to represent the point of view of the village in all matters of community advancement, it follows that it should be a wholly elected body—elected on the basis of universal suffrage. No elaborate argument is necessary to establish this fact. Under the Village Panchayats Act of 1920, we have seen, the franchise was extended to all men over 25 years of age. A retrograde step was taken in 1930 when adult franchise was abolished and for the first time property qualification was introduced. Even the electoral qualifications for the District Boards and Provincial Legislative Assembly—since extended to Panchayats—would seem to exclude a very large number of people whose interests would be intimately affected by the activities of the Panchayat, and a case has been noticed of a village of 5,000 inhabitants with only 250 voters. While even for elections to the Legislative Assemblies the cry everywhere is for universal suffrage and for a period of ten years, from 1920 to 1930, the system worked well in village administration in this Province, there is no reason why it should not be restored now, having the minimum and maximum age limits at 21 or 25 and 70 or 75 respectively. Its introduction will also make every villager civic conscious and make him take an active

16. *English Local Government*—H. Finer, Pp. 160-162, and the *Indian Journal of Political Science*, Vol. IV, No. 4, Pp. 347-348.

interest in the problems of his village. It is desirable that the vast majority petty ryots and landless labourers who form the bulk of the village society should have some say as to who is to represent them and rule their affairs.

If adult franchise is introduced, ward system must be made compulsory. At present in the vast majority of Minor Panchayats where the ward system does not exist, general election is held for the entire village as a whole and the required number of seats including the reserved ones for minority communities (Muslims, Indian Christians and Scheduled Classes) are filled up by show of hands of such of those qualified voters as may care to be present at the elections. In this system, it may happen that too many members are returned from one and the same hamlet or portions of the village while particular localities or communities or interests, even after providing for the reserved minorities, go unrepresented. To obviate this, it is necessary to divide the village into wards and to provide that the candidate standing for election must reside in the ward which he seeks to represent. While the existing system of joint electorates should be continued, the restriction under the Act<sup>17</sup> that the number of reserved seats should not exceed one fourth of the sanctioned strength should be removed, although there may be no harm if the minimum number of seats for the majority communities concerned is fixed. Election may continue to be held once in three years as at present.

There is a school of thought which points out the need for abolishing elections and substituting nomination on the ground that elections have often led to friction and rivalry and the growth of partisan and factious spirit in Panchayats and that instead of promoting peace and harmony in the villages they have ended in discord and corruption. In fact, the Madras Village Panchayats Bill of 1941 contemplated the creation of a nominated Panchayat at least for a year when Panchayats are constituted for the first time and for a period not exceeding three years at a time, when a Panchayat has to be dissolved for maladministration or other reasons, to "enable the administration to be carried on by a body of suitable persons belonging to the village instead of by a single special officer who may be a stranger to the village".<sup>18</sup> While it is only too true that the spirit of faction prevails among a large number of these bodies and has even paralysed administration in some cases, it cannot be said that it is the necessary consequence of the process of election. It should be possible in most of the small villages at least, by tactful handling on the part of election officers (by means of persuasion and argument) to reduce friction to the minimum and secure as far as possible uncontested

17. Section 9 (3) of the Madras Local Boards Act.

18. Statement of Objects and Reasons attached to the Madras Village Panchayat Bill, 1941.



results. It is the personal experience of the writer that the method of selection is still in vogue in some places, the villagers assembling together and determining beforehand by agreement the persons to be elected. This must be encouraged as was done, to some extent, in the period 1920-30 to secure agreed results, and even statutorily provided for, if possible. This apart, there seems to be no warrant for the assumption that the existence of parties is wholly harmful, and experience has shown that elected bodies with properly organized parties show a better record of work than in places where there is domination of a single party or no party exists.

It has to be remembered that much of the discord and disharmony in the villages to-day is due "to the breakdown of the community spirit and the growth of caste and communal feelings in the course of the last one generation. This feeling pervades the whole atmosphere of the country.... Under these circumstances nomination of the members of a Panchayat will not lead to better results".<sup>19</sup> There is also no reason to suppose that the spirit of faction does not exist even among the members either wholly nominated or partly elected and partly nominated as in some provinces.<sup>20</sup> The days of nomination are gone for ever, even in the case of Provincial Legislative Assemblies. It was round this principle that some of the most important political battles were fought in this country, till at last the "powers that be" here as well as in Britain were convinced that the democratisation of local bodies was not only good in itself but was also the most effective means of training the people in the art of self-government. To seek to revive nomination and that too in the case of primary rural units would be a reactionary step. As Drummond strikingly puts it: "It would be inconsistent to argue that villagers can be trusted to exercise their franchise, with eyes open to the consequences, for a parliament dealing with the affairs of a sub-continent, but are unfit to choose a committee to look after the parish pump".<sup>21</sup> Nomination will, moreover, introduce irrelevant local issues into the Provincial Legislature and thereby add an unnecessarily heavy responsibility on the Provincial Cabinet, while encouraging at the same time interference and meddling with village affairs by subordinate officers upon whose advice the nominations have to be made.

Already in respect of the new Village Food Committees whose members were all 'selected,' the number of petitions and counter-petitions received daily about selections made by the authorities and approved of by Government leading to ever so many changes in the personnel at frequent intervals, caused an unnecessary strain on the Food Department in

19. *The Indian Journal of Political Science*—Vol. IV, No. 4, Pp. 348-349.

20. *Census of India, 1931, Madras Report*, Pp. 53-54.

21. *Panchayats in India*, Pp. 50-51.

the Provincial Secretariat. In fact, no system of selection or nomination however perfect, can give satisfaction to every section of village opinion and it is only by the elective system that the person that command popular approval can be determined to the satisfaction of all concerned. There is no other suitable method. As an alternative to election or nomination, some enthusiasts suggest that we should revert to the ancient method of casting of lots, as in Uttaramerur. But however laudable the ancient system may appear in theory, in the absence of the community spirit and the sanctions, religious and social, which bound village society together in the past, it will be extremely difficult to work it up under modern conditions. The system of voting in secret ballot for each ward seems to be the best under modern conditions.

There are of course those who argue that with the establishment of democracy in the Provincial cadre, there is no need to maintain democratic institutions at the lower levels of administration and it is better that "local bodies are dispensed with as individual bodies and embodied in the State administration",<sup>22</sup> in view of the fact that to-day services like Education, Public Health and Communications are so largely a matter of national concern that they would not lend themselves to reorganization under local bodies effectively with their limited jurisdictions and limited finances.<sup>23</sup> But the experience of all countries has shown, in the words of Dr. Robson, that "democracy on a national scale can function in a healthy manner only if it is supported and nourished by democratic local government". The former is not a substitute for the latter; and self-government at the top cannot work efficiently in the absence of local self-government.

A word more. The efficient working of the Panchayats, as of any institution, depends much on the type of men that sit on it as members and become its President and Vice-President to run the administration. It is the lack of any systematic attempt to educate the citizen in local self-government that has encouraged much of the spirit of communalism and sectionalism<sup>24</sup> displayed in the villages in the name of faction. It is argued by some that because we do not get the right type of men to manage the affairs properly literacy qualifications must be prescribed at least for members, President and Vice-Presidents of Panchayats. While there is some truth in this contention, it cannot go more than meeting the problem half-way. Literacy qualification, if it is felt to be absolutely necessary, should be restricted to the President and Vice-President alone and not extended to membership as well as it would tend to deprive the Panchayat of several practical and experienced

22. *The National Municipal Review*, September 1936, Pp. 518-519.

23. *English Local Government*—H. Finer, p. 14.

24. *Social Service in India*, Sir Edward Blunt, Pp. 256-257.

men in the village. Even so, if Panchayats are to produce the results expected of them, conscious civic training which is as yet not an integral part of our educational system, must go hand in hand with educational and administrative reform. The problem must be faced squarely. There is no short cut to progress.

### Constitution of the Panchayat

Every Panchayat, as the law stands, "shall elect one of its members to be its President and another member to be its Vice-President". The maximum and minimum strength of the Board is laid down in the Act as 16 and 8 respectively.<sup>25</sup> This rigid fixation of strength would however seem to be undesirable, and the matter may well be left to be regulated by rules having due regard to changes in the population from time to time. The President, Vice-President and members hold office normally for three years. Except in places where separate Executive Officers have been appointed, the entire executive power of the Board is vested in the President who shall carry into effect its resolutions. When the office of the President is vacant, the Vice-President exercises his functions until a new President is elected. Even while in office, the President may delegate any of his functions to the Vice-President, or to any member of the Board, subject to such restrictions, limitations and conditions as may be imposed by him and subject to his control and revision, for a period not exceeding ninety days in any year without the special sanction of the Board.<sup>26</sup> Meetings are generally presided over by the President, or in his absence, by the Vice-President, and in the absence of both, by a member chosen for the occasion. Members have full freedom of calling the attention of the executive authority to any neglect of Panchayat work or property or the wants of any locality; they have the right to move resolutions and interpellate on Panchayat affairs and have access generally to records in the office unless forbidden for special reasons given in writing.

Under the existing law governing Panchayats, we have seen, the President of a Panchayat is elected by the members. The President so elected is supposed to possess the confidence of a majority of members who elected him or if he has been elected by the casting of lots (arising out of the equality in the number of votes cast for two rival candidates), he commands the confidence of just half the number of members present at the election meeting. And, if in course of time, by his further acts, he loses the confidence of his original supporters, the law does not provide an opportunity for the members to express their lack of confidence in him, and the President enjoys his position by sufferance till such time as he vacates his office in the normal way.

25. Section 7 of the Madras Local Boards Act.

26. Sections 24 and 25 of the Madras Local Boards Act.



The anomalous position thus created has been responsible, not infrequently, for intolerable situations in Panchayats where the administration has been rendered ineffective and in some cases intolerable as well. The only penal provision in the law regarding the removal of the President from office is not made applicable in such contingencies, as it would be invoked only under circumstances where a wilful omission, disobedience or refusal to carry out the provisions of the Act is established. As it is, then, it is not uncommon in Panchayats to see a President continuing in office, despite his having lost the confidence of the majority of members and still not laying himself open to a charge under Section 43 of the Madras Local Boards Act.

There is no doubt that in villages as they are to-day, with the factious spirit and the caste and communal feelings in a virulent form, the provision for a no-confidence motion against the President or Vice-President of a Panchayat might do more harm than good. Every personal grievance and prejudice might often be made an administrative issue for expressing want of confidence and bringing the administration, at every turn, to a state of unstable equilibrium. It is for this reason perhaps that the no-confidence motions have not been made applicable to Panchayats, while they hold good in the case of other local bodies. In the face of the provision for the removal and even prosecution of the President or Vice-President for wilful dereliction of duties and offences involving moral turpitude, there is, doubtless, no need for a separate provision for moving no-confidence motions against them. But what is the remedy in the case of a President who has lost the confidence of the members and who still cannot be removed out of office for default or abuse of powers? It must be remembered that in practical effect the confidence of even the majority of members of the Panchayat is not synonymous with the confidence of a majority of the entire electorate. The choice of the President, it is well-known, is more often guided by personal and political leanings and irrelevant considerations than by the will of the electorate based on the proved worth of the individual concerned. In consequence, therefore, the President of the Panchayat is not, in most cases, the real leader of the village, and many of the ills found in village administration to-day may be attributed to this basic defect in the system which prevents the electorate from having a say on the choice of their leader.

The only method by which the electorate as a whole can elect its real leader is to provide for the direct election of the President of the Panchayat by the entire body of electors in the village, on the analogy of the election of the President of the United States of America. The President so elected will then hold his office not by the sufferance of the individual members of the Panchayat, but by the will of the entire body of electors in the village. No practical difficulties may be experienced either, in conducting a separate election to the office of the President. At present, in villages which are not divided into wards, the members are elected by means of show of hands of such of

those electors present. In the same way the President also could be elected. No special difficulty will present itself even in villages where the ward system obtains. The electors while recording their votes for their ward representative may be asked to record their votes separately at the same election booth, in the matter of their choice of the President as well. When thus the real leader of the village is enabled to become the President of the Panchayat, there is no need to provide for no-confidence motions being brought against him either by the elected members of the Panchayat or the general electorate of the village, especially in view of the penal power of removal from office vested in the Provincial Government which they must have under any circumstances, as it is meant to set right grave recalcitrance. Without giving any power of veto to the general body, provision may also be made making it compulsory for the village Panchayat to call half-yearly or annual general meetings of the village adult population, so that exchange of views between the general body and the Panchayat may take place for the benefit of both. If necessary, the budget also may be placed at the meeting of the general body and suggestions given at the meeting may be taken into account by the Panchayat, though its hands need not be fettered by making it obligatory on its part to follow every advice given at the general body meeting. The Panchayat must have the discretion to act according to the merits of each case.

For sometime now, authorities in Madras have been stressing the need to associate the Village Officers in the work of village Panchayats. In fact the Madras Village Panchayats Bill of 1941<sup>27</sup> contemplated to make the village head-men *ex-officio* members of the Panchayats and eligible for election to the Presidentship, "in order that their experience and influence may be at the disposal" of these bodies. It also provided that in the absence of the elected President or Vice-President, their duties were to devolve automatically on the headman,<sup>28</sup> while the *Karnam* of the village was to be a part-time executive officer in small Panchayats. Reference has already been made to the changed status of the village officials under the British rule. The significance of this change should not be missed. They are no longer the natural leaders and representatives of the village community, but are the salaried employees of the Government and as such their point of view is bound to be an official one. Their association with elected bodies will thus go counter to the sound principle enunciated by Lord Ripon that official control should be from without and not from the within.<sup>29</sup> It is this fact that has been responsible for the agitation that these functionaries should not be

27. Section 6 of the Madras Village Panchayats Bill, 1941.

28. *Ibid*—Section 19 (3).

29. *Development of Local Boards in the Madras Presidency*—M. Venkatarangaiya, p. 79.

permitted even to stand as candidates for election to local bodies.<sup>30</sup> For, it is feared, quite naturally, that when these men enter the Panchayat, the popular or villagers' view will get merged with the official view. One more practical difficulty has to be remembered in this connection. It is generally a well-recognized fact that the village headman and *Karnam* very often lead the factions in the village, the headman on the one side and the *Karnam* on the other. With the revenue powers vested in them both, they are still the demi-gods of the village. And when both these men find a place in Panchayat work, one on the deliberative side and the other on the executive side, as was contemplated in the scheme of 1941, there is bound to be a dead-lock in administration to the serious detriment of the villagers. From all accounts, therefore, it is best to keep these two gentlemen away from influencing the policy or guiding the administration of Panchayats, although there may be no harm in utilizing their services in furthering the interests of Panchayats in certain ways, which we indicate in a subsequent chapter.

#### Executive<sup>31</sup>

✓ The fundamental issue to-day which has given rise to a great deal of confusion and misunderstanding in the working of all local self-governing institutions, is the division which ought to exist between the laying down of general policies (which should be the function of democratically elected bodies) and the carrying out of these policies (by executive direction and order) through a separate agency. Experience has shown that much of the defective working of local bodies in our country is the result of executive duties being discharged by elected representatives who cannot devote their whole-time and who are moreover swayed by personal and party considerations. Most of the members who enter the Boards or get themselves elected as Presidents value the position which they acquire not so much as opportunity for rendering service to the community at large, but as one enabling them to promote their own interests or the interests of their partisans. This is due, to a great extent, to the President being the executive authority of the Board, in which capacity he has large powers of patronage. He selects contractors for works and appoints persons to several posts—clerical, teaching and menial—in the local board's service. Having come to power through election, he naturally finds it necessary to favour his partisans and this in turn rouses the indignation of his opponents. Differences thus arise, in the vast majority of cases, not on broad questions of policy which may be welcome, but on

30. Under the Madras Local Boards Act, the village headman alone is eligible for taking part in Panchayat elections. But in G.O. No. 2214 (Revenue) dated 28-8-1939, Government issued executive instructions that if any village headman wanted to take part in Panchayat elections, he should resign his office first.

31. See *The New Review*, July-August 1940—"The Executive in Local Administration"—by K. Jayaraman.



matters of a purely personal character leading to charges of nepotism and converting meetings of Panchayats into occasions for mutual attack. No wonder that panchayats are at present hot-beds of intrigue and faction, and nowhere is the need felt for a strong, non-partisan executive more than in local administration, if democracy and efficiency are to go together. Elected men whose business it is to study the requirements of the people correctly and frame policies accordingly should not be entrusted with executive work which requires efficient handling regardless of party or personal considerations. As Herman Finer aptly puts it, "The casual, intermittent, part-time nature of local councillorship...makes a co-ordinated policy impossible; the electoral process itself does not provide a permanent body of governors continually active, while the services demand it. The defects of the electoral process are the opportunities of the professional official".<sup>32</sup> The appointment of separate whole-time Executive Officers though at present confined to the bigger Panchayats in Madras, should therefore be welcomed and, there is no doubt that with this reform stability and continuity of policy will be ensured and local influences prevented from paralysing the administration.

✓ The powers and duties assigned to the Executive Officers closely resemble those of Municipal Commissioners in the Province. The respective spheres of functions of the President and Executive Officer have been clearly defined in the Act with a view to minimising chances of friction;—(1) "The President of a Panchayat Board shall (a) make arrangements for the election of the Vice-President; (b) convene meetings of the Board; and (c) perform all the duties and exercise all the powers specifically imposed or conferred on the Presidents by the Act";<sup>33</sup> (2) The Executive Authority of the Panchayat shall (a) carry into effect all the resolutions of the Board; and (b) perform all the duties and exercise all the powers specifically imposed or conferred on the executive authority by the Act and subject, whenever it is here-in-after expressly so provided, to the sanction of the Board and subject also to all other restrictions, limitations and conditions here-in-after imposed, exercise the executive power for the purpose of carrying out the provisions of the Act and be directly responsible for the due fulfilment of the purposes of the Act".<sup>34</sup>

✓ This last clause which is only a reproduction of the corresponding sections in the Madras City Municipality and District Municipalities Acts gives the Executive Officer wide powers, the only restriction being any limitation expressly or implicitly imposed in the Act. His obligation to carry into effect all the resolutions of the Panchayat is limited in practice to legal resolutions only, and the absence of any clarification or precision on this point in law

32. *English Local Government*, Pp. 233-234.

33. Section 21-A of the Madras Local Boards (Amendment) Act, 1943.

34. Section 21-B of the Madras Local Boards (Amendment) Act, 1943.

puts the Executive Officer in an un-enviable position in relation to the Panchayat and gives opportunities of friction between them both, as it has already happened in the case of some Commissioners and their Councils. He is the custodian of all the records of the Panchayat, though the President has full access to them. No official correspondence is to be conducted, except through the President, between the Panchayat and the Provincial Government or the District Board, the President or Executive Authority thereof.<sup>35</sup> The Executive Officer has the right to attend the meetings of the Panchayat or any committee thereof and take part in the discussions, though not the right to move any resolution or to vote;<sup>36</sup> he is bound to attend the meetings if required by the President.<sup>37</sup>

The Executive Officer is paid out of the Panchayat Fund such salary and allowances as may be fixed by the Provincial Government from time to time. Panchayats have been classified into three grades according to their financial position and the pay of the Executive Officers has been fixed on a graded system based on the classification of the Panchayats. Thus an Executive Officer appointed to a first grade Panchayat whose annual income exceeds Rs. 20,000 is paid in the scale of Rs. 80 to 100, the pay of one appointed to a second grade Panchayat whose annual income ranges from Rs. 10,000 to Rs. 20,000 is fixed in the scale of Rs. 65 to 80 per mensem and a third grade Executive Officer functioning in a Panchayat Board whose annual income is above Rs. 5,000 and below Rs. 10,000 gets a pay in the scale of Rs. 50 to 65 per mensem. The Executive Officers are directly recruited and specially trained by the Inspector of Local Boards except, of course, those recruited from among clerks of District and Panchayat Boards who are mostly appointed to the third grade. This heterogeneous group composed mostly of young and inexperienced men and recruited from the subordinate staff of different departments doubtless encounter difficulties in the villages where they are naturally looked upon as strangers, come to usurp the power of the non-officials. The pay and emoluments of the service are also such that they are hardly likely to attract the best men, and expected results may not be attained in view of the low calibre of the men appointed in the majority of cases. It would be very desirable, therefore, to have an expert staff in the Provincial Secretariat and choose executive officers from this staff.

#### Relations between the Executive and Deliberative Organs

✓ It is a mistake to suppose that the appointment of Executive Officers is an infringement of local self-government. Even after their appointment, autonomy continues to exist where it should exist, namely, in the sphere of

35. Section 21-C of the Madras Local Boards (Amendment) Act, 1943.

36. Section 33-(1) of the Madras Local Boards (Amendment) Act, 1943.

37. Section 33-(2) of the Madras Local Boards (Amendment) Act, 1943.

policy-making. It should of course be made clear that the Executive Officer is first and foremost, the servant of the Panchayat whose policies and programmes he must carry out faithfully and efficiently, failing which the Panchayat may demand his removal. The existing legal position of the Executive Officer, as that of the Municipal Commissioner, would however appear to give him the status of a co-ordinate authority with the local body and not that of a servant. Already in respect of Municipal Commissioners, as a result of criticism arising out of this position by which some of them at least tended to usurp powers and flout the wishes of the elected councillors, Government issued an Order<sup>38</sup> clarifying the position by which it was made clear that the Commissioner is not a co-ordinate authority with the Council, but in the last resort only a servant who has to carry out its resolutions faithfully, failing which it may demand his removal. Similar clarification, by means of an Order or amendment to the law, is necessary in respect of Executive Officers as well, as the tale of frequent quarrels between the Chairman and Commissioner which were a regrettable feature of Municipal administration in Madras a few years back is a warning to be repeated in Panchayat administration.

Although the duties of the Executive Officer and the Commissioner are more or less the same, yet the legal position of the Executive Officer is different, in some respects, from that of the Municipal Commissioner. One of the duties of the Commissioner is "to furnish to the Council such periodical reports regarding the progress made in carrying out the resolutions of that body in the collection of taxes as the Council may direct".<sup>39</sup> This clause has not found place in the law governing Executive Officers, so that in effect it would appear he is answerable, in respect of this duty (namely the collection of taxes) only to the Provincial Government and not to the Panchayat. No doubt the Executive Officer must have sufficient freedom in the discharge of his duties to act efficiently on his own responsibility without undue interference by the Panchayat or individual members. And the Provincial Government is there advising, directing and supervising his activities. Also the elected members must recognize that the Executive Officer is ultimately responsible in the executive sphere for the well-being of the village or group of villages and that he must stand or fall by his work. All the same, the Executive Officer must recognize that he is not a bureaucrat but is responsible to a fully elected self-governing body and that he must so discharge his functions, without fear or favour, as not to incur the just displeasure of any conscientious or honest Panchayatdar. In order to inculcate this feeling in him and in order that the Panchayat might know as to what the Executive Officer is doing or has done in the executive sphere, it is absolutely important

38. G.O. No. 3679, L & M., dated, the 10th September 1935.

39. Section 13-A (b) of the Madras District Municipalities Act.



to provide by statute that he shall furnish to the local authority periodical reports regarding the progress made by him not only in the matter of collection of taxes, but in carrying out the other executive duties of the Board as well.

Again, in the Municipal law, there is provision for moving a no-confidence motion against the Commissioner, who shall be removed after the passing of such a resolution at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength of the Council.<sup>40</sup> This has no doubt caused great hardship to innocent and honest Commissioners, as such motions were often brought up for frivolous reasons and as there is the obligation cast upon the Provincial Government to remove the Commissioners concerned on the passing of such motions, although 'removal' has meant only transfer to another station normally. It is understood that an amendment to this clause is contemplated by which the word "shall" is to be substituted by the word "may", leaving the option to the Provincial Government to "remove" the Commissioner or not on the merits of each case. The introduction of a similar penal provision against the Executive Officers in Panchayats is necessary as these bodies must have some powers of control over these officials, such as periodical review of their work and censuring them, under certain conditions, for incompetence and irresponsibility, although the disciplinary action proper may be left to the departmental authorities concerned.

It has been suggested by a certain section of opinion that the Executive Officers should be appointed and removed by the Panchayats themselves. The danger of this method, however, is that if they hold office at the pleasure of these elected bodies, the weak among them may be tempted to cater to the prejudices of the vocal Panchayatdars. It would be better therefore to have them appointed by the Government as at present and removed, if necessary, on the recommendation of a high majority of the Panchayat concerned. This will yield the best results in practice. The ideal is, as has been said above, to have a unified Civil Service for the whole Province and appoint Executive Officers from this service.

Those who criticise on democratic grounds the appointment of executive officers to local bodies by a body external to them (like the Provincial Government) and point with admiration to the system of their appointment by the local bodies themselves miss the fact that even in England where Town and County Clerks (who are the counterparts to our Municipal Commissioners and Executive Officers of Panchayats) are appointed by the Councils, the Central Departments have in certain cases the right to veto an appointment or prevent a dismissal. And in the United States of America where City Managers have been functioning, "experience has revealed the weakness of the Manager in his conflicts with the Council, so much so that the suggestion

40. Section 12-C (4) of the Madras District Municipalities Act.

has been made that to strengthen the Manager, appointment and dismissal should be taken away from the Council and lodged in a separately elected Board of nine electors. The Council would then have only the right to impeach the Manager for incompetence or incompatibility between it and him. The Board would decide".<sup>41</sup> Madras has already anticipated this practice in so far as the power to appoint and dismiss Commissioners and Executive Officers rests with the Provincial Government (which takes the place of the Board suggested in the quotation above), the Councils retaining the power to 'impeach' the Executive Authority by a statutory majority.

The greatest difficulty is no doubt to secure the proper relationship between the executive officers and local bodies. No rules can make their relations smooth and efficient. A great deal must depend on the good sense and good will on both sides. It is of the utmost practical importance that the executive officer should try to study the service requirements objectively so that his relation with the public on the one hand and the local body on the other may be rendered smooth and cordial. Although the system is still in its transitional stage and doubtless admits of improvements in the method of recruitment, fixation of service regulations and legal precision in respect of the actual relationship of the Executive Officer with the Panchayat, the real problem is not so much to amend or add to the law as to bring about a change in the minds of the non-officials and general public. The system is sound in principle and is bound to lead to efficiency and consolidation of work by obviating party politics with all its evil consequences. Democracy can succeed only by a judicious combination of the amateur and the expert.

### Executive Committees

The one and only method of bringing the amateur and the expert (the representatives of the people and the executive officer) together is by the adoption of the committee system of local administration, i.e., institution of executive committees for the several activities of the local authority.<sup>42</sup> The happy interchange of technical knowledge and the will of the rate-payers between the official and the members of the committee results in the formulation of schemes which are beneficial as also acceptable to the rate-payer. Its success is moreover a safeguard against that easy tendency to officialization which is the paralysis of effective local autonomy. For, it is in the committees which are 'the real workshops of local government' that policy is decided, resolutions are made either for immediate action or for the approval of the Council, a general control over the activities of the staff is exercised and the estimates of expenditure for the relevant services are prepared. In short, it

41. Quotation taken from *English Local Government*, p. 240.

42. See "The Committee System in Local Administration" by K. Jayaraman in *The Journal of the Madras University*, July 1940.

is in the committees that policy is really made ; it is in the committees also that the supervision of its execution is really effected.

In our country, the importance of the committee system of local administration has not been properly appreciated, even among bigger local authorities like the District Boards and Municipalities and the lack of expedition in the solution of important problems can often be attributed to the absence of a well-developed committee system. Very little use of it is made by the majority of Panchayats, although there is provision in the law for the constitution of executive committees from among the members of the Board "for the purpose of exercising such powers discharging such duties or performing such functions as it may delegate to them".<sup>43</sup> The committee system is not a foreign device as it is sometimes imagined. It is an indigenous method in keeping with the traditions of rural administration in our country, which was conducted, as in Uttaramerur, by local committees of various kinds. What is required is to provide statutory provision for the compulsory formation of such committees, at the rate of one for every activity generally, such as sanitation, roads, lighting and other amenities. Provision for co-opting persons from outside the Panchayat may also be made. This will not only make the task of the executive officer easier but also facilitate co-operation between him and the members of the Panchayat who will be obliged incidentally to take an active interest in the various branches of the village administration.

#### Subordinate Staff

What about the Minor Panchayat which cannot afford a whole-time official? It has been shown already that it is a most undesirable step to appoint the village *Karnam* even as an honorary executive officer. Apart from the question of principle involved, the *Karnam* is the most ill-equipped for the tasks to be accomplished in the Panchayat. Panchayat work requires a knowledge of the general principles of all Acts bearing on village life, elements of sanitation and hygiene, of preparing estimates and checking works, etc. At present in many places, elementary school teachers or some other literate persons in the village are employed as part-time clerks, sometimes for two or three Panchayats in common. In villages where there are both a Panchayat and a Co-operative Society, a common clerk is employed, his salary being met by both the institutions. Since the ideal is to bring every village within the Panchayat and Co-operative Movements, the former to cater to the civic and administrative needs of the village and the latter to provide credit facilities and undertake activities of an economic nature, the Madras Committee on Co-operation (1939) has suggested

43. Section 28 (1) of the Madras Local Boards Act.



a Rural College for training clerks to look after the work of both the Panchayat and Co-operative Society in the village. This does not seem to be a correct approach to the problem in view of the ever growing activities of a Panchayat which may demand a separate official for itself. The present order of the Inspector of Local Boards is that the cost of establishment should not exceed 6¼% of the income of the Panchayat and many small Panchayats, which cannot afford to appoint a wholetime servant, must of course be content with part-time clerks as at present. This difficulty can be obviated by the appointment of a common executive officer for a group of four or five Panchayats, his salary being borne jointly by the respective Panchayats. If the distances to be covered are too long, the Executive Officer will not be able to devote individual attention to the Panchayats under his charge and his time will be spent on journeys to the different places included in the group. Care must be taken to avoid this and as far as possible grouping of only such Panchayats which are easily accessible from one another should be effected for purposes of executive administration. Anyway, the problem of providing clerks or executive officers to the rural self-governing bodies could be settled only by means of some such training in civic administration to be given in a Rural College as suggested by the Co-operative Committee or on the lines adopted by the Inspector of Local Boards in Madras for training three batches of candidates to serve as executive officers for Major-Panchayats. Neither non-official agencies nor officials of the type of the village *Karnam* can really cope with the growing complexities of village executive administration.

What is true of Executive Officers concerning systematization and co-ordination of service also applies to the subordinate staff of Panchayats like Clerks, Bill-Collectors etc. The need for centralization of these services is all the greater, in view of the fact that these employees are often harassed or ill-treated in the game of party factions and cases have been noticed where punishments were too drastic. Already in Madras, the qualifications, salaries and conditions of appointment and removal in these services are regulated either by statute or administrative orders. The Provincial Government has also the power of transferring servants from one local authority to another<sup>44</sup> although this power is not systematically used in the case of Panchayat servants. The need for centralization arises from the fact that the average income of a local body being very low, it is impossible for most of them to employ an adequate or competent staff. The salaries are bound to be low and prospects not attractive. It is this fact, more than any thing else, that has been responsible for the much advertised inefficiency of our local bodies. In regard to their staff, all local bodies should be treated as a single unit for their recruitment, postings, transfers, promotions and discipline. Ample

44. Section 70-A of the Madras Local Boards Act.

provision has been made in the law<sup>45</sup> for the centralization of Local Fund Services in regard to some of which like the Executive Officers, District Panchayat Officers and Secretaries of District Boards the principle has been already accepted. It is very necessary to centralize the lesser Panchayat servants also in the interests of the Panchayats they serve. Standardization of qualifications, methods of recruitment, salaries and transfers of local body servants so necessary in the interests of efficiency are not, as it is sometimes imagined, inconsistent with the principle of local autonomy. A contented and competent staff is as much a necessity for efficient administration as an enlightened Board conscious of its civic rights and duties. A systematic attempt to educate the citizen in local self-government will not only make the task of the administrator easier but also facilitate co-operation between him and the public.

45. Section 74 (A) of the Madras Local Boards Act.

## CHAPTER IV

### FUNCTIONS OF PANCHAYATS—I

#### • Classification of Functions

Under the Village Panchayats Act of 1920 the functions exercised by the Panchayats fell under four broad heads<sup>1</sup>:—(a) functions which they may exercise on their own initiative, (e.g. construction and maintenance of village roads, repair of tanks and wells, cleansing of streets and removal of rubbish heaps, etc.); (b) functions which they may exercise when authorised by District or Taluk Boards, (e.g. control of fairs and festivals, medical relief, etc.); (c) management of any institution and execution of any work entrusted to them either by the Provincial Government or Local Boards with their consent, (e.g. supervision of aided and Board schools); and (d) whatever other functions which the Government may devolve on them (e.g. enforcement of *kudimaramat* work). This wide scope, both in the variety and choice of functions, which Panchayats could exercise having regard to local needs and circumstances, together with the sympathy, goodwill and co-operation extended by the bigger authorities like the District Boards and the Provincial Government in the devolution of functions was responsible for much of the success of the scheme of decentralization attained during the period 1920-30. Even when Panchayats were brought within the ambit of the Madras Local Boards Act in 1930, no material change in functions was effected and while the primary objects which Panchayats may undertake to carry out have been broadly indicated,<sup>2</sup> ample provision<sup>3</sup> has also been made in the Act for entrusting to Panchayats any work or the management of any institution by Government, District Board, Collector or any private person or persons. So it cannot be said that Panchayats in Madras are hindered in the matter of carrying out improvements through lack of express statutory authority, although it is a different matter whether full use is made of the existing legislative provision or not.

The tendency in recent legislative practice has been to classify local functions into two categories, namely, those which are obligatory and those which are optional. The construction, repair and maintenance of roads, drainage, sanitation, lighting and water supply fall, according to this classification, under the former group, while elementary education, libraries,

1. Sections 15 to 20.

2. Section 112 and Section I (A) to Schedule V of the Madras Local Boards Act.

3. Sections 65, 65-A, 65-B and 65-C.



markets, slaughter-houses and the planting and preservation of avenue trees fall under the latter category. The idea behind this division of functions into compulsory and optional is evidently to ensure provision of funds for services which are deemed essential. But it is forgotten that improvements to be carried out not being of the same degree of urgency in all villages, what may be looked upon as an essential service in one place, say water supply, may be deemed quite non-essential in another village whose immediate problem may be the provision of communications, or educational facilities like schools, libraries, reading rooms, etc. A rigid classification of functions into compulsory and optional, as of a rigid fixation of percentage of expenditure to be incurred by Panchayats on different services which has also been the tendency in Madras in recent years, is to say the least arbitrary, especially as conditions vary from area to area. Besides being an obstacle to real progress, it will lead to extravagance and waste, fetter the discretion of local authorities and thereby cut at the very root of local self-government.

As a principle on which future legislative action may be based, local functions, particularly those of village self-governing bodies, may be classified into three broad categories <sup>4</sup>—(a) Representative functions, (b) Regulatory functions and (c) Service functions.

### Representative Functions

Reference has been made already to the representative character of the village Panchayat. As the effective organ of village opinion, it is the business of the Panchayat to represent the village community, in the real sense of the term, in all matters affecting village polity and economy; and no elaborate argument is necessary to prove that this work is fundamental and preliminary to any scheme of rural uplift. It is one of the most important and useful functions of English Parish Councils to-day. No outside agency can gauge the needs and problems of the village better than its own elected representatives, and as such the Panchayat should be the main local agency not only for the execution, as far as possible, of the various programmes of Government affecting vitally the welfare of the villagers but also the organ to represent to Government on all branches of administrative activity in the village. In recognition of the Panchayat as the accredited organ of village opinion, provision has already been made in various Government Orders for consulting this body in respect of such matters as granting village sites, resumption of service *inams*, etc., and agitation is still going on for consulting the Panchayat in many other matters like the levy of penalties, granting of remissions, supply of irrigation water, etc. What is more, by a recent amendment to the Revenue Board's Standing Orders, provision has been

4. Vide—M. Venkatarangaiya in the *Indian Journal of Political Science*—Vol. IV, No. 4, Pp. 342-344; and W. A. Robson in *Development of Local Government* Pp. 153-57.

made to consult Panchayats in matters concerning the resumption of village services.

(a) *Control over Village Services*

Every village, it is well known, has service *inam* grants made in the olden days by means of assignment of land or land revenue for service to the village community rendered by the carpenter, potter, washerman, blacksmith, barber and *vettiyan* (village servant). In many districts, especially in the Andhradesa, these services and service grants are still intact, and the villager who is mainly an agriculturist is vitally affected by their non-performance or irregular performance. The offices of these services are treated as hereditary even by the Madras Acts II of 1894 and III of 1896. But the service *inams* were later enfranchised and assessed to revenue, which was pooled in a village service fund, and these services are now remunerated by cash payments. While the hereditary character still attaches to their offices, their hereditary emoluments which were inalienable have disappeared. So long as the occupations and emoluments attached thereto were hereditary, each succeeding generation inherited the traditions, efficiency and the skill of its predecessors. It is the performance of the services and their emoluments that contributed, to some extent, to the sustenance of the corporate life and unity of the village communities. With the disintegration of the village Panchayats, however, many of these services fell into disuse and such of them as were essential for the State were converted into services of the lowest rung of the subordinate ranks of the Revenue Department, as for instance, the village headman, *Karnam*, and the watchman who are now merely treated as the servants of the Tahsildar or Revenue Inspector. In respect of the rest of the servants like carpenter, potter, barber, etc., the policy of the Government has been to ignore their communal character and to release them from the obligations of their services by enfranchising their *inams* and giving them *pattas*, converting the property into their freehold. At least in regard to these minor services other than those of the village officials, the policy should be reversed, and such of them as still subsist must be preserved and where they have been unauthorisedly alienated, they should be reattached to the services. And the village Panchayat, as representing the village community, should be given the power and duty of supervising and controlling these services.

(b) *Control over Porombokes*

As a corollary, it may be stated that as the representative body in the village, the Panchayat should be given the community right in waste lands, pasture lands, village sites known as *nattam* or *gramakantam*, charitable *inams*, etc., which were once administered for common purposes like the maintenance of village services and public works, for education,

irrigation, recreation and other forms of economic help. To-day there are practically no local services or communal properties which in legal theory or customary practice really appertain to village communities without being interfered with by the Government or their representatives in the districts. Most of the existing Panchayats have been pressing that they be given control over *porombokes* as they feel that their administration of *porombokes* cannot be worse than leaving them as they are at present to the responsibility of the Village Officers subject to the occasional check by the Revenue Inspector and Tahsildar. There is a good deal of force in this contention and it should be possible by a conscious and voluntary devolution of power from the Provincial Government to allow the village Panchayats to administer the communal properties subject to the general control and supervision of the State. For unless the *porombokes*, waterways other than those connected with irrigation, tanks, tank bunds, village sites and roads are vested in the Panchayats, it is not possible for them to discharge their duties effectively in laying streets and roads, constructing drains or planning the village according to modern requirements.

At present it is the sad experience of Panchayats that even for effecting necessary repairs to the streets and *battais* permission of the Collector should be sought for and obtained beforehand, while it may not be an easy matter to get the transfer of a pathway, *puntas* or *donkas* as they are differently called, in favour of the Panchayat before going through the cumbersome formalities which involve prolonged delay. No wonder it is the logical result of the theory and practice of State landlordism. These paths or pathways are intended for villagers to reach their fields, to thresh agricultural produce, etc., and statutory vestiture of these properties on Panchayats should therefore be effected before long. The fear expressed by the Revenue Department has always been that if control over *porombokes* were transferred to Panchayats they would be mismanaged and that it would in turn lead to the increase of encroachments. This difficulty can be got over by retaining the right of intervention on the part of the Revenue Department wherever necessary and of imposition of penalty on application from an aggrieved party; also, the *porombokes* required by the State (e.g. military camping grounds, irrigation channels) as opposed to village requirements may be retained by the Government. It may well be decided that the user and control of all communal *porombokes* together with the unassigned *nattam* should vest in the Panchayat for the purpose of user only without power of alienation, permanent or temporary.

#### (c) Other Communal Properties

Connected with the subject of *porombokes* is the suggestion that the rentals of fisheries in all waterways, village tanks other than major irrigation



sources, rivers and canals, proceeds of windfalls and withered trees, fruits, grass, etc., on all canal and river bunds and on the tank bunds belonging to the Public Works Department, proceeds of pounds, pound fees and all fines collected in nuisance cases in the villages should be statutorily payable to the Panchayats. The Revenue Department may pool such sources and give Panchayats a lump sum after meeting the cost of collection, if necessary. Again, considerable income is derived by the village community in certain districts from the grazing of ducks on fields after harvest and from similar sources. Statutory provision may be made for taking over such sources by Panchayats, subject to such conditions as may be stipulated. Already in the existing Act,<sup>5</sup> there is provision for the transfer of village forests and irrigation works, the enforcement of *kudimaramat* and control over charitable endowments and charitable *inams* to Panchayats which may also "accept trusts relating exclusively to the furtherance of any purpose to which its funds may be applied." All this is in consonance with the recognition of the Panchayat as the representative body of the village community and statutory recognition of this principle should no longer be postponed.

#### Regulatory Functions

Functions of 'control' as Dr. Robson<sup>6</sup> calls them, consisting essentially in the regulation of the conduct of individuals and corporate bodies, are best fitted for quite small and relatively poor local authorities like village Panchayats and can frequently be exercised by them with a fair degree of success. Their essential character lies in the fact that whoever may be the financing and organizing agency, higher local authorities like the District Boards or the Provincial Government, there are certain activities of regulation vital for achieving success in respect of these functions which can be best performed only by the agency on the spot. "As a rule, the size and wealth of an area are not of much importance in regard to the exercise of powers of control. Local knowledge is, however, vital both for the comfort of the public and economy of administration. In 'service' functions on the contrary, the size and resources of the area are closely related to the excellence of the result".<sup>7</sup> Thus powers of regulation and control comprise all such work as supervision of elementary schools (aided, Mission, or Board schools), popularisation of the ideas of sanitation and health in the village, inducement of parents to send their children to the local school and taking all steps to popularise it, encouraging sports and other extra-curricular activities, supervising the work done in the village dispensary and the maternity and child-welfare centre, seeing to the non-pollution of sources of drinking water, the framing of the by-laws, the removal of encroachments, supervising the work of sweepers and scavengers and seeing that streets are kept clean, that rubbish is removed regularly,

5. Sections 63, 64, 65-A and 65-B of the Madras Local Boards Act.

6. *Development of Local Government*, Pp. 153-57.

7. *Ibid*, p. 156.

that births and deaths are correctly registered, and that all other measures calculated to protect the health, safety and convenience of the villagers are being actually enforced.

That village Panchayats possessing slender resources should in the main be entrusted, apart from representative duties already mentioned, with functions of regulation and control rather than service functions, involving heavy financial responsibility like the construction and maintenance of schools, roads, dispensaries, etc., is clear. It is the duty of the State to provide the national minimum in respect of each of these services and undertake the financial obligations thereof and not throw them as a burden to be borne by the poor local authorities. And this is in conformity with the change in the psychology of the people which makes them look to outside agencies for effecting improvements in their conditions. It is the failure to analyse the respective spheres of local bodies and the Provincial Government in this way and fix the responsibility of each in respect of the several activities associated with services like communications, public health and education (which are nation-building in character) that has been responsible for much of the stagnation of improvements in our rural life, with the result that "India to-day is in the same condition as most countries of Europe were about a hundred and fifty years ago. Almost all villagers are strangers to those improvements which modern science has made possible in matters of health, sanitation, housing, village planning, roads and schools. The need, therefore, for improvements is pressing and immediate".<sup>8</sup>

(a) *Communications*

In respect of Communications, the overwhelming importance hitherto attached to first and second class roads has led to the neglect of village communications, and there are to-day thousands of villages in this Province with a population of over a thousand each which are unconnected to any road or railway system.<sup>9</sup> "When villages are marked on maps", says a recent report, "it is found that there are long stretches of roads without roads close by and many villages with no roads leading to them".<sup>10</sup> This is a severe condemnation indeed. "Much of this ineffectiveness could have been avoided if the village had been recognized as the primary unit of local self-government and Panchayats constituted to look after its interests".<sup>11</sup> The policy of half-grants assigned by the Provincial Government since 1927, whenever funds

8. M. Venkatarangaiya in the *Indian Journal of Political Science*, Vol. IV, No. 4, Pp. 332-333.

9. Mitchell and Kirkness, *Report on the Present State of Road and Railway Competition*, (Madras Report), Pp. 6-8. See also "Road Transport in Madras" by K. Jayaraman, in the *Rev. Father P. Carty Commemoration Volume*, September 1941, Pp. 252-255.

10. *Report of the Special Road Development Engineer*, Government of Madras, published in *The Hindu*, dated 22-11-44.

11. M. Venkatarangaiya's article on "Local Finance" in *Economic Problems of Modern India*, Vol. II, edited by R. K. Mukherjee, p. 435.

could be spared, for the improvement of village communications has not touched even the fringe of the problem.<sup>12</sup> It is clear that it is the responsibility of the State to provide a well balanced system of road communications suitable to the needs of the villages, having regard to the needs of the industrial and agricultural development, of the transport of agricultural and forest produce, and of giving fishing villages easy access to distributing and consuming centres. All new constructions of roads should therefore be straightaway undertaken by the Government, while their maintenance within the limits of the villages should alone be handed over to the respective Panchayats with the necessary maintenance charges on a half grant basis, if necessary.

It is gratifying that the scheme for Post-War Road Development in Madras has been designed to connect almost all the 23,372 villages in the Province with a population of 500 and above and to rectify the existing defects. A Highways Department has been created by the Government who have already taken over all roads now classified as trunk roads and those classified as national or provincial Highways, important district roads, and marketing, second class and other roads considered important from the agricultural and industrial points of view. The remaining roads classified as "other district and village roads" are left under the District Boards for their maintenance. Already in several districts Panchayat Boards are maintaining second, third and fourth class roads, with the permission of District Boards or as contractors on their behalf, and repairing streets and lanes, cart-tracks, foot-paths and bridle-paths within their limits. This is their important regulatory function to-day in respect of communications and must be encouraged.

#### (b) *Public Health Activities*

In respect of Public Health, "there is no doubt", as reported by the Madras Committee on Co-operation (1939), "that one who is familiar with village life in this country is struck with the fact that in most villages the housing, planning, drainage and sanitation are all primitive, that many houses are constructed on low mud plinths or without any plinth at all, that the rooms are darker and badly ventilated and that these conditions are favourable to the spread of disease and mortality". It is needless to stress that health is the foundation of any well-ordered society, and epidemics being a menace to the health of the whole Province, and not merely to the local area where they break out, it is just and proper that the entire responsibility in respect of Public Health is taken over by the State and not saddled on the slender resources of local authorities as at present. Much of the income of Panchayats, especially of Major Panchayats, is now absorbed in financing their Public Health establishment, while the minutest administrative control over them and the regulation of their work are vested, according to the Madras

12. See Chapter VI, under 'Grants-in-aid', Pp. 114-115.



Public Health Act of 1939, in the District Health Officer and his staff far removed from the village and having no intimate knowledge of local conditions and requirements. If progress is to be achieved and money spent on Public Health is to bear fruit it is clear that the process is to be reversed, namely, that while the entire financial responsibility is to be borne by the State, the responsibility of immediate control and supervision over the Public Health staff and their activities should be vested in the Panchayats subject, of course, to the general technical supervision of the Health Department. The vesting of control on an outside agency, instead of on the agency on the spot, having led in many Panchayats to indifference and slackness of duty on the part of local health staff and to conflicts between the Sanitary Inspector where he exists and the executive authority of the local body concerned, some control over them has recently been vested in the executive authorities of Panchayats, subject to the ultimate control of the District Health Officer in disciplinary cases.<sup>13</sup> In many Minor Panchayats which cannot afford to employ whole-time sweepers or scavengers, sanitation is being attended to by communal labour, *vettiya*ns or other menials, and since it is essentially a matter which requires local interest and local supervision for achieving results, it is imperative to associate the local body concerned with the 'control' activities in respect thereof and make necessary statutory provision for the purpose.

As in sanitation, so in water supply no definite principles governed the expenditure on rural water supply till recently, although the problem is so acute that it is not unusual to find village girls trudging miles in the hot sun for a pitcher of drinking water. Small amounts of grants, as and when Provincial funds permitted, were no doubt set apart since 1927 for rural water supply but the problem was hardly touched. For, the number of Panchayat Boards in the Province with protected water supply is only about a dozen to-day, though in some cases the protection is only partial.<sup>14</sup> The law<sup>15</sup> vests control and maintenance of all drinking water sources (wells, tanks, etc.) in the Panchayat but the problem is not mainly one of control but of finance which the poorer local authorities cannot afford especially in the matter of new constructions. In 1938 therefore rural water supply was provincialized by which Government regarded themselves responsible, for the first time, for the provision of new sources of water supply in rural areas and a ten year plan to cover every village in the Province was drawn up. But, owing possibly to the exigencies of the War, comparatively little has been achieved so far.<sup>16</sup> Anyway, the principle of the State undertaking the financial responsibility in respect of rural water supply schemes has been

13. G. O. No. 158 (Public Health), dated 17-1-1945.

14. *Annual Report of the Director of Public Health (Madras)*, 1940-41.

15. Section 126 of the Madras Local Boards Act.

16. See Statement in Chapter VI, p. 116.

recognized, and it must be extended leaving the sphere of regulation and control alone in the hands of the Panchayats concerned. In addition to water supply, a separate scheme for providing drainage for 830 Panchayats with a population of over 5,000 and below 10,000 is also said to be under consideration.<sup>17</sup>

Under medical relief, although the financial position of Panchayats generally precludes them from starting and maintaining medical institutions and the responsibility in this behalf must necessarily rest with the higher authorities, there is ample scope for Panchayats in the matter of exercising general supervision and control of these institutions on the spot, so vital for their successful working and production of expected results. This must be increasingly encouraged by the District Boards and Government. Already some of the dispensaries started under the rural medical relief scheme happen to be located in Panchayat areas and many of the Panchayats concerned have assisted in financing and popularizing these institutions, while some others contribute to private medical practitioners with the sanction of the Inspector of Local Boards. Still others purchase medicine during seasons of epidemics like cholera and small-pox and distribute them to the people. The duty of attending to sanitary arrangements during fairs and festivals is discharged by some Panchayats and the general hesitation of District Boards in entrusting Panchayats with such work is due to the sacrifice of the income involved. The association of the local authority in this matter is of paramount importance from many points of view. Also a few Panchayats are providing medical relief themselves.<sup>18</sup>

Such activities must necessarily be limited, involving as they do heavy financial responsibility. It is only fitting that "all Local Fund and Municipal medical institutions are to be provincialized in order to retain the administration in the hands of the State,"<sup>19</sup> in which case the sphere of control and regulation should be left in the hands of the local authorities. The Post-War Scheme contemplates the erection of so many rural dispensaries that no village is more than five miles away from its most convenient centre.<sup>20</sup>

17. *Development and Reconstruction Plans of the Government of Madras—Pamphlet No. 6, p. 10.*

18. According to the official report for the year 1938-39, in the Nilgris a Panchayat was maintaining a dispensary at a cost of Rs. 1,200/- from its funds, another in the Coimbatore District at a cost of Rs. 800/-, a third in South Kanara at a cost of Rs. 550/- which was partly met from Government subsidy and partly from Devasthanam contributions, and a fourth in the Guntur District at a cost of Rs. 500/-, while there were two dispensaries in the Nellore District to which a contribution of Rs. 460/- was made by the District Board towards the cost of medicines; the pay of the staff was met by Government and the other charges were borne by the Panchayat.

19. *Development and Reconstruction Plans of the Government of Madras—Pamphlet No. 6, p. 25.*

20. *Ibid, p. 25.*

Another branch of Public Health where Panchayats can usefully discharge functions of control is vaccination. Vaccination has always occupied an important place among preventive measures and judging from the rate of vaccinated persons per mille of population (which was only 27·6 in 1938-39) much headway has still to be made. Village opinion is always conservative, cautious and even hostile in matters like vaccination, inoculation, etc., and Panchayats can do a lot in popularising them among the villagers and assisting the vaccinators in their work, as already some are doing.

Again, accurate registration of births and deaths which is the foundation for the successful administration of public health (as it shows the specific diseases contributing to mortality, the communities susceptible to them, the localities where they are prevalent, etc.), has been practically excluded from the purview of Minor Panchayats, although a few Major Panchayats possess a trained staff for the purpose. In rural areas, the village headmen are the registrars and being generally ill-equipped to diagnose the cause of diseases and having as a rule to travel considerable distances to make their reports, they are generally indifferent and careless, and do not hesitate to neglect a troublesome duty. It would therefore be necessary to associate the village Panchayat with the scrutiny of the village headman's returns of "Vital Statistics" every month. A good deal of work was done by Panchayats in this direction during the period 1920-1930<sup>21</sup> but the tendency in recent administrative practice has been to exclude them altogether from this activity, although there is provision in the Madras Local Boards Act to associate Panchayats with such work.<sup>22</sup> It would be very desirable to provide that the village headman should submit an extract of the death register along with the death and birth return or the registers themselves at the time of the Panchayat meeting. Apart from effecting a wholesome check on the work of the headman in this behalf, it will also result in inculcating local interest in the work of procurement, as far as possible, of accurate information, the lack of which has been a great hardship now to health officers in combating epidemics. And in the case of Major Panchayats, it is needless to say that full-time, qualified birth and death registrars should be appointed. Only Panchayats having Sanitary Inspectors are associated with this work to-day.

Similarly, prevention of adulteration of food stuffs is a matter of considerable importance in which the Panchayat can effect a wholesome control. Even where the Food Adulteration Act has been in force now, the enforcement of the legal provisions leaves much to be desired. The percentage of adulteration in food stuffs is high (36·7 per cent. in 1938-39), and higher in

21. *Administration Report of Panchayats, 1925-26.*

22. Section I-A (i) of Schedule V.



respect of individual articles like milk and butter (being 51·3 per cent and 40·2 per cent respectively in 1938-39). Full advantage has yet to be taken of the provision in the law for the control of encroachments, of dangerous and offensive trades, of markets, cart-stands, and slaughter-houses, for entry and inspection in factories, workshops, etc., located in Panchayats and for making bylaws and rules in general in common interest. This is a field where there is a large scope for Panchayats to exercise powers of control, of which they are yet to take increasing advantage. The impounding of stray cattle under the Cattle Trespass Act of 1871 and the regulation of Weights and Measures could also be increasingly attended to by them.

(c) *Elementary Education*

It is round elementary education that some of the fierce controversies have centred in recent years. Advocates of the democratic view—and these are the vast majority of non-officials—contend (a) that in a system of rural self-government, the scheme of free and compulsory education should be introduced; (b) that experience has proved the failure of District Board schools and the efficiency of Panchayat schools as compared with the record of Board and 'aided' schools, to the extent of getting the official verdict that "along the line of the Panchayat School Scheme may probably lie the correct solution of the twin problem of the proper authority for managing elementary schools in villages and of the equitable distribution of the financial burden of elementary education,<sup>23</sup> and (c) that the Champion Scheme has brought out the evils of different educational agencies working side by side in a village and proposed one agency for every village under the Panchayat, the local institution vitally interested in the proper education of its children. It should be noted in this connection that in order that education might be diffused, it is not only necessary to establish a school, equip it properly with furniture, books and other apparatus, pay the teachers adequately, maintain accounts, etc., but also appoint and remove teachers, exercise disciplinary control over them, lay down syllabuses and courses of studies, prescribe text-books, hold examinations and issue certificates. All this involves not only financial responsibility but a certain degree of technical equipment and enlightenment which are not generally met with even among the best men in most villages. It would therefore be doubtful if elementary education would thrive well if it were transferred wholesale to small bodies like Panchayats. True, when the scheme of Panchayat schools was first introduced in the 'twenties, under the first flush of enthusiasm, they worked well, but their subsequent record as attested by the Director of Public Instruction,<sup>24</sup> has not been such as to

23. *Panchayat Administration Report, 1925-26.*

24. *Report on the Proceedings of the Madras Village Panchayats Bill Advisory Committee, 1942, p. 8.*

warrant the hope entertained twenty years earlier. Obviously the reason for the inefficient state of Panchayat schools is lack of funds; and it is in the fitness of things that the State should be in charge of this all important subject. It need not be stressed that when the financial responsibility rests with higher authorities like the District Boards or the Provincial Government, money could be allotted for expansion and other ancillary measures taken for efficiency more easily and fully than if it were in the hands of the Panchayat.

But in order to achieve success in elementary education, money and technical control alone are not enough. It is equally necessary, as has been already shown, that there should be an agency on the spot to watch the day-to-day activities of the school, to supervise and control the teachers, to see that parents are permitted to send their children regularly and that the school works for the minimum number of days required, and so forth. Experience has shown that it is not usually possible for educational officers and Presidents of the District Boards to inspect all the schools in the district even once a year, except perhaps schools situated in road side villages which work better comparatively than those located in interior villages with no easy means of access. If the responsibility for the immediate supervision of the schools had remained with the Panchayats, such nominal schools would not exist to-day. As the success of elementary education depends mainly on local patronage, local care and supervision, the Panchayat is the fittest body for this all important regulatory function. While the financial obligation ought to rest with higher authorities like the District Boards or the State, preferably the latter, it is equally vital that supervision of these schools, whether Board, "aided" or Mission schools, should be statutorily vested in the local Panchayat.<sup>25</sup>

#### (d) *Irrigation Work*

What the villagers, especially in the irrigated tracts of the Province, have been most keen on is the performance in time of the customary *kudimaramat* work and the field-wise distribution of water, enforced by means of a tax in money or kind at so much per acre, with the proviso that if the labour

25. In the Punjab, for example, the functions of Panchayats in respect of elementary education are confined to the *promotion of education as distinguished from its administration* which vests in the District Boards. They hear all cases relating to neglect by parents to send boys to school and unlawful employment of boys. Many Panchayats prefer to use force to increase attendance at the local school and they have also been instrumental in getting new schools opened where they did not exist before. The explicit functions assigned to Panchayats in regard to the spread of elementary education are:—

(1) To help the school authorities in the preparation of accurate lists of boys and girls of school-going age;

was supplied in such quantity and at such time as the payment may require, the tax should not be collected. In many places where the Collectors have transferred the irrigation rights, the Panchayats levy an acreage tax on lands for rendering *kudimaramat* work. It should be made compulsory on every Panchayat to look after irrigation channels to fields, repair them every year and levy a contribution for such duty, in kind or cash, instead of leaving the matter entirely to the discretion of the outside authorities. This is an important regulatory function vitally affecting the agricultural economy which the Panchayat can well take up, and very commonly the villagers co-operate in attending to this duty. In respect of the actual distribution of irrigation water also, especially in districts where the anicut and canal system exists and where big tanks are the sources of irrigation, the officials of the Public Works Department (Overseer and Sub-Divisional Officer) are the dispensors of water. It would be better, in public interest, if the control of irrigation channels is entrusted to Panchayats, and to an irrigation committee of Panchayats, (with the Sub-Divisional Officer and Overseer as members) in cases where the channel runs through and supplies more than one village. It is only then that many of the well-recognized malpractices in the system will disappear. Already in 1928, recommending the proposal to entrust distribution of water from irrigation sources to Panchayats, Sir T. G. Rutherford wrote: "I see no objection to it except that it is a further attack on the position of the village headman who, subject to the orders of the Tahsildar, is normally expected to do the work. In actual practice, I believe, a committee of the villagers frequently makes the arrangements.... For deltaic tracts where Public Works Department subordinates have, it is notorious, the villagers far too much in their power, I think the joint committee system is to be encouraged."

- (2) To see that all notices served upon people by the attendance committee of the schools in a compulsory area are duly complied with by the persons concerned ;
- (3) To encourage regular enrolment and attendance of boys and girls in schools by all persuasive measures ;
- (4) To provide necessary facilities to schools in the way of playgrounds, garden plots, hand-pumps for drinking water, compound walls and additional room where necessary ;
- (5) To organize games and recreation clubs and to arrange tournaments and social functions in which school children may take a prominent part ;
- (6) To popularize the village school library and the travelling adult library among the village people ;
- (7) To organize and maintain adult literacy centres and leagues ;
- (8) To make special functions of the school successful and useful such as Parents' Day, Red Cross Day, Farmers' Week etc., and
- (9) To arrange for milk or midday meal, free of cost, for the benefit of poor or under-fed students.



(e) *Enquiry into Official Misconduct and Promotion of Public Morality*

The United Provinces Local Self-Government Committee (1939) has suggested that the village Panchayat should be authorised to "enquire into the misconduct of certain village officials such as peon, bailiff, constable, patwari, canal-patrol, amir and vaccinator (and we may add, headman, accountant and its own executive officer, if any), where such misconduct has arisen in their official capacity and to bring the same to the notice of their superiors.<sup>26</sup> The Central Provinces and Berar Panchayat Act of 1946 and the United Provinces *Gaon-Hukumat* Act of 1947 have both conferred similar powers on Panchayats. It is generally believed that corruption exists in almost every department of administration, and the need for the creation of agencies and empowering them to bring to light cases of corruption and misconduct is imminent. For success in this direction, local knowledge is vital, and the association of the village Panchayat in this task is not only harmless but very desirable as an effective check against the tyranny and corruption of the petty officials in the interior, provided the function of the Panchayat is confined to the act of reporting only, leaving the sphere of actual enquiry and punishment to the departmental authorities concerned.

The Panchayat, in short, should function as a great moral force in the village as of old. As the representative organ of the village, it should do everything to eschew all communal and caste feeling among its ranks and among the villagers, and promote the community spirit among them. By working in a spirit of settlement and compromise and playing the role of an arbitrator, it may gradually decrease crime and litigation and secure a peaceful atmosphere within the village. It should indeed be a good training ground, in the literal sense, for democratic self-government and promote the spirit of self-help and public service among the villagers. Statutory provision for this primary role of the Panchayat is necessary.

### Service Functions

While in the exercise of representative and regulatory functions there will be a similarity more or less between one Panchayat and another, there is bound to be a great deal of difference between them in the scope and variety of service functions, depending as they do on their varying financial resources. The fact that the financial resources of village self-governing bodies are slender does not mean that they should not be allowed to exercise service functions at all. On the other hand, they should be encouraged to do so. "A progressive widening of the area of self-government is the only right policy for all democratic governments to pursue. Any narrowing of the area

26. *Report*, Part I, Para 14.

of local self-government will undoubtedly be a backward and reactionary step."<sup>27</sup> Moreover, over and above the services for which financial responsibility is borne by the State (Communications, Public Health and Education because of their nation building character) there are in villages many services of a purely local character, whose cost should legitimately be borne by the local inhabitants concerned. Services like the provision and maintenance of lighting, libraries, reading rooms, radio-sets, conduct of *Harikathas*, lectures and other adult education facilities which are cultural in character, parks, play-grounds and sports-clubs for recreation, fall under this category. Undoubtedly such activities have to be more extensively taken up by Panchayats than at present.

(a) *Cultural Activities*

In the Punjab, it is noteworthy, cultural activities have been organized all over the Province on a large scale. A central library is opened at the Tahsil headquarters from which the Panchayats can borrow books. In addition every village which wants to maintain a library of its own is allowed a grant-in-aid of Rs. 50/- in any one year, provided the grant does not exceed the amount spent by the Panchayat from its own funds for the purchase of books. Village guides, trained in such matters as organization of sports and reading rooms and in elementary principles of First Aid, human and veterinary, and the principles of Agriculture and Co-operation, are responsible for the distribution of books in the villages without any cost to the Panchayats and for organizing adult education centres and sports. A number of teams have been formed and tournaments are regularly held in order to create a sense of physical fitness and culture among the rural population. Every village Panchayat is also expected to have *Panchayatghar* of its own which should serve as a cultural centre of the village—where a library and a reading room are maintained as well as, if possible, a radio set to keep the village fully informed regarding world affairs. Although many Panchayats in Madras are maintaining libraries and reading rooms and are even receiving grants for the purpose, cultural activities have still to be organized on proper lines as in the Punjab.

(b) *Rural Welfare Work*

Much useful service can be done by Panchayats in the direction of rural development and rural reconstruction. They may contribute to the improvement of cattle by the purchase of stud-bulls and the provision of cattle sheds thereby preventing one of the most frequent causes of dirt and disease in villages, purchase implements and distribute them to the agricul-

27. M. Venkatarangaiya—*Development of Local Boards in Madras Presidency*, Pp. 241-242.

turists and run agricultural shows and popularise methods of scientific agriculture. Even the existing law makes it possible for Panchayats to pay attention to the improvements of agriculture and agricultural stock, the promotion and encouragement of cottage industries, the planting and preservation of avenues, the opening and maintenance of centres of physical culture, public landing and halting places, *topes* and threshing floors, village protection on a systematic basis and the starting of many other public utility works conducive to the welfare of the villagers.<sup>28</sup> Very few Panchayats, however, have taken to such activities so far. What is required is to guide these institutions in such a way as to make them take an increasing interest in these activities and thereby prove themselves more extensively useful to the people than at present. Indirectly, they will also be compelled to raise contributions, in the form of cash, kind, or labour, for financing such measures and undertakings of local importance. And the Panchayat is the only proper agency for this. For, such taxes and contributions being confined to small areas can be more easily assessed and collected than if they are spread over the whole province, and will also be more willingly paid (as the proceeds will be spent on the special needs of those that pay them) than when collected by an outside agency.

28. Section 1-A (2) of Schedule V to the Madras Local Boards Act. In this connection, it may be observed that Panchayats in Mysore have been playing an increasing role in the sphere of rural development and welfare. From the administration report of Panchayats in the State for the year 1944-45, it is seen that the system of weekly labour was in vogue in 1786 villages and that the total value of work done by this means amounted to Rs. 1,24,727. Works of the kind not requiring technical skill such as filling of pits and removal of rubbish heaps, rank vegetation etc., can be easily done by mobilising village labour. Important agricultural implements and better seeds are reported to have been in use in 397 village Panchayats, as against 438 in the previous year. These are supplied by the Agricultural Department which is inducing the ryots to take to intensive agriculture. The Panchayats are also advised in respect of compost-making, use of sun-hemp as green manure, and single-seed-transplanting of paddy. It is reported that 364 village Panchayats maintained breeding bulls, and castrations by improved methods are being attended to by the veterinary inspectors in some taluks. 47 Panchayats maintained village schools, 142 Panchayats maintained *topes* and 204 Panchayats maintained village forests, 137 Panchayats maintained parks, and 155 planted fruit gardens. 9084 fruit and shade trees are stated to have been planted by the village Panchayats; 1152 maintained reading rooms, and many others are reported to be subscribing to some of the authorized newspapers. 978 stray dogs were destroyed during the year. Government are also making grants for intervillage communications. Village Panchayats have contributed to the Red Cross Society, and also co-operated in the distribution of food grains in the rural areas. It appears Government have recently enhanced the powers of the village Panchayats in certain matters, (1) by transferring to them the management, conservation and maintenance of village forests, whether reserved for fuel or fodder or other purposes, (2) by conferring on them all the powers and functions of a Panchayat under the Tank Panchayat Act, provided the entire irrigated tank is within the ordinary jurisdiction of the Panchayat, and (3) by entrusting them with the management of minor *Muzarai* institutions and with the supervision of the village school in the area.



## CHAPTER V

### FUNCTIONS OF PANCHAYATS—II

#### Village Self-Sufficiency Ideal

It is necessary at this stage to dispel certain fallacious theories about the role of Panchayats and their functions. There is a school of thought which, in its supreme confidence in the efficacy of self-government, has been advocating the grant of autonomous power to village Panchayats over all branches of administrative work in the village on the model of the ancient system of self-contained and self-sufficient village communities. "It is no use", says an enthusiast, "establishing Provincial Autonomy and trying to administer the departments through a cabinet of ten or eleven ministers sitting at the Provincial Capital. That autonomy must be decentralized and it must filter down into the hands of the villagers who should be made to balance their own village as well as domestic budgets, and administer, as in the olden days, the revenue, civil, criminal and all other departments through their own elected cabinets—the Provincial Government or the higher unit of administration looking after only the general supervision and co-ordination".<sup>1</sup>

It is necessary first to note the fact that the self-sufficiency of the ancient village of which people talk so much to-day was not so complete or rigid that the village was cut off altogether from the outer world. The sanctions by which the Panchayat and its committees compelled obedience were, as we have already seen, largely religious and social and even Governmental sanctions with which we are now familiar do not seem to have been altogether absent. So long as these sanctions were effective, the functioning of the village organism was effective and efficient. But the social and economic changes brought about by the advent of British Administration have radically altered the characteristics of the Indian village. In particular, the growth during the last century of administrative centralization has made the villager look outside his village for most of what Government implies. The modern development of communications has finally destroyed the last vestiges of self-sufficiency in the village. Individualism which has free play now encourages defiance of village opinion and the interests of the villagers are not ultimately identical as they are believed to have been in the past. Although attempts have been made in this direction, some successful and others not, it is still difficult to mobilise village society for efficient action to secure the common welfare. The new village community if it is to be strong and efficient should

1. *Village Republics*—M. Satyanarayana Sastri, Pp. 27-28.

derive its strength from the Government, and to the extent to which it involves Governmental coercion, its own autonomy is curtailed, although this coercive power should not be considered irksome in view of its visible return in the shape of benefits. In this context autonomy and self-sufficiency are limited in scope and not absolute in themselves.

This apart, there are certain non-local functions in the village in which the nation as a whole is interested more than the particular local community, and it would be unwise and unsafe to entrust such functions to bodies mainly responsible to the local electorate and deriving their authority from it. In the ancient times owing to the difficulty of a distant central Government to administer directly any service in the absence of rapid means of transport, the villagers had to make arrangements themselves for securing it in preference to going without it. But to-day it is possible to secure the appropriate agency for discharging a governmental function and all departments of administration need not therefore be included within the jurisdiction of the territorially elected local authority. This will only lead the Provincial Government to curtail the autonomy of these bodies and exercise over them the same kind and degree of minute control as it does over its salaried staff. In either case, it would not be democracy but a negation of it. For, if we grant the validity of the traditional distinction between local and non-local services on which the whole concept of local self-government is built, we must also grant that the agency for administering the two kinds of services must be different. "A non-local service has to be administered on a strictly uniform basis throughout the Province in accordance with the rules and regulations laid down by the Provincial Government. There is no room for discretion in the administration of such a service. But diversity is the basis of a local service, and those who administer it have to be given a good deal of discretionary power."<sup>2</sup> In administering local services, questions of policy, of alternative methods of doing a thing and of the distribution of resources over a variety of items arise; and these cannot be reduced to routine. On the other hand, the administration of a Provincial service in a given locality involves only the execution of a policy laid down by the Provincial Cabinet and the Legislature. The District Collector and other district officers, for example, are mere executive authorities to carry out the mandate of the Provincial Government and have very little discretionary power, independently of the latter.

No doubt the whole case for associating popular representatives with administration stands on the assumption that in certain spheres of executive work, factors like enthusiasm, sentiment and zeal contribute much for success,

2. M. Venkatarangaiya in *The Indian Journal of Political Science*, October 1939, p. 145.

and efficiency which is only another name for securing the desired results can be achieved only when these factors can be utilized to the fullest degree. But the interest which the masses evoke in a field of activity—which ultimately depends on education and the general atmosphere prevailing in the country—though important, is not the only criterion for including it within the sphere of local self-government. Financial and administrative factors have also to be taken into account. Judged by this test, it will be found that local bodies, particularly village Panchayats, are not fit to manage any and every service. What is required is a process of selection on the merits of each case when any administrative functions are to be devolved on them. Attention may be drawn to a few examples to illustrate this point.

### Land Revenue Administration and Panchayats

It is the view of some that the functions relating to the assessment and collection of Land Revenue, which are now in the hands of official agencies, should be handed over to village Panchayats. Land Revenue, it is well known, has been an important, if not the main, source of Provincial income. The efficiency and credit of the Government and therefore the welfare and prosperity of the people as a whole depend largely on it. Naturally, Land Revenue administration has acquired a special technique of a high order. The assessment on each land is fixed after elaborate calculation, and detailed and minute instructions are issued by the Government in respect of the time and manner of collection; so much so, there is very little for an elected local body to express itself or give its advice in the matter. And "at the stage of collection public opinion is irrelevant and mischievous. If collections are to be made in accordance with such advice, there is a danger of collections falling, arrears accumulating and remissions being granted on a liberal scale. It is appropriate only at an earlier stage when the scheme of land revenue and the principles of taxation of land are considered and decided upon by the Provincial Legislature or the Executive, as the case may be. Moreover, even at that stage, the opinion that should weigh is not that of the inhabitants of a particular (locality) but of the whole Province."<sup>3</sup>

Considerations like these are responsible for handing over to an independent agency the work of collecting even municipal taxes and local cesses. In the Municipalities and Major Panchayats there are the Commissioners and Executive Officers charged, among other things, with the task of collecting the taxes and revenues of the local authority, while in the district it is the District Collector who is responsible for the collection of the land cess payable to the District Board and Panchayat Boards. There is therefore nothing

3. M. Venkatarangaiya—Article on "The Scope of Local Self-Government" published in *The Indian Journal of Political Science*, Vol. II, p. 281.



to gain—in fact there is much to lose—by associating an elected local body like the Panchayat with land revenue administration although Panchayats may well help the collection work by supervising the activities of the village officers in this behalf, by inducing defaulters to pay their arrears and exercising in a general way such influence that they may wield with the villagers in this matter. The fixation of the revenue demand payable by a pattadar and its collection must however continue to be in the hands of the village officers controlled by a well-trained and efficient paid establishment of Government, if financial chaos is to be averted. And any idea of reverting to the system of fixing the land revenue demand jointly on the village as a whole and not on the individual pattadar would be a reversion to feudalism or medievalism in the revenue system.

What applies to land revenue holds good in respect of the assessment and collection of other national taxes as well and any dislocation in the revenue or financial administration of the Province will have injurious effects on the other branches of administration. This does not mean however that in respect of functions other than those connected with the collection of land revenue, the Panchayats can have no hand at all. Reference has already been made to the necessity of reinstating communal properties and services in the villages and entrusting them to the village Panchayats. In the discharge of these functions, the village officers—headman and *karnam*—may play an important role, not as *ex-officio* or elected members of Panchayats, but as integral parts of the village administrative system under the control of the village Panchayat. It may well be provided that except in respect of the collection of land revenue, the village officers should act and be heard only through the village Panchayat in respect of all such matters as control of *porombokes* and cattle-pounds, detection of encroachments, registration of births and deaths, etc., under the control of the Revenue or other Department concerned, in which case the village officers will necessarily become part of the executive establishment of the Panchayat.

### Village Police

Another suggestion is to entrust Panchayats with their own police force for protecting public property, securing public peace and safety, preventing and suppressing nuisances, controlling traffic, etc., on the ground that even now practically every village has its own non-official watchmen on a voluntary basis to watch the fields and report any loss or damage to the crops. Apart from the fact that a system which works well on a voluntary basis with all its flexibility may fail when made compulsory and that local control of police, which is an old tradition with all its drawbacks, is certainly not universal even in Europe, there is much to be said in the special conditions of India

for the superiority of a centrally controlled Police. "There is one great advantage," says J. C. Curry, "in the organization of the Police force on a Provincial as opposed to a mere local basis. It makes for co-ordination and economy. Co-ordination is of great importance for the purpose of dealing with the criminals whose operations extend over large areas. This is obviously the case with individual criminals, and *a fortiori* with the gangs of robbers called decoits with whom the Indian Police are constantly called upon to deal. Economy results, since large operations are often necessary to deal with social unrest which finds expression in tumult and crime, and may extend over the whole or the greater part of a Province."<sup>4</sup> Experience has not proved that those taking part in riots and social unrest show greater regard and respect for local leaders than for provincial or national leaders and it is best that where force has to be used, the most efficient force is brought in. And if the idea behind the creation of a local police is not a substitution for the Provincial Police as it cannot possibly be, but only an addition to it, will it not be better to strengthen the Provincial Police itself and make it more adequate to the tasks it has to accomplish? Otherwise the result will be a dual agency and divided responsibility with all their attendant evils.

Already the record of village Vigilance Committees which have been functioning in this Province for some years now has not been sufficiently encouraging. The Committee consists of a President and four to seven members, including the village headman. It is thus a mixed body of officials and non-officials, who are all nominated. The functions of the Committee among other things, are to aid the village headman and the Police in carrying out their duties regarding crimes and criminals, to help them in the investigation of crime, to report suspicious activities of known criminals and strangers, and to report cognizable offences. The members of the committee are expected to encourage by example and precept the members of the village community to give individually and collectively such assistance as would ensure necessary co-operation between the village community and the Police. But the working of most of these committees has been so unsatisfactory that in some places factions have been created where none existed before, resulting in oppression of innocent persons out of personal malice and vindictiveness. It is of the utmost importance that the formation, if at all, of village guards or vigilance committees should be wholly voluntary and non-official in composition; they should have no official connection or recognition, owing allegiance not to any outside authority but to the accredited local authority of the village. Their duties must be limited to the watch and ward of the village in a general way, and the removal of the factious and communal spirit among the villagers by persuasion and argument,

4. *The Indian Police*, Pp. 47-48.

organizing cultural activities and securing a peaceful atmosphere within the village generally. Above all, they should have nothing to do with the regular police force of the Province which must be wholly independent of their influence or activities. These are basic considerations which must be fulfilled if vigilance committees are to do any good at all to the public.

Although there is thus no case for the maintenance of separate Police forces by Panchayats, they may doubtless have powers of control and superintendence over the non-official agencies now engaged in village protection such as the village watchman, (*Kavalkaran* or *Talayari*) and *Vettiyan*, who may well be asked to report to the village Panchayat about their day-to-day activities and be guided by it. Also, as distinct from police forces, police powers should be vested in Panchayats to enforce the rules and regulations framed by them in public interest. They have such powers to-day under the Public Health Act, Food Adulteration Act, Town Nuisances Act, etc. This is in consonance with modern developments and should be extended wherever necessary.

### Judicial Powers

Again, tradition and recent practice have favoured the constitution of Village Panchayats to dispose of petty civil and criminal cases with jurisdiction over a single village or a group of villages or part of a village as the case may be. In 1944, they disposed of 50,457 cases out of 54,348 cases<sup>5</sup> instituted. The strength of a Panchayat Court varies from 5 to 12 members, who are elected for three years by all male adults resident in the village, group of villages or part thereof. The Collector is empowered to appoint, in his discretion, not more than two members from minority communities, if they are not already represented in the Court. The Court elects its own President and Vice-President. Judicial Panchayats are nowhere allowed to handle serious criminal cases or complicated civil suits. Their powers extend only to the trial of petty cases and the disposal of suits in which no valuable right or property (i.e., worth more than Rs. 50 or with the written consent of the parties Rs. 200/-) is at stake. Where they exist, the civil but not the criminal jurisdiction of the headman is removed. Their powers of punishments are limited to the imposition of a moderate fine.

But experience has shown, even in other provinces where judicial powers have been assigned to Panchayats, that "owing to these powers, party factions on personal lines have increased in villages and a number of Panchayats have degenerated into instruments of

5. *Madras Administration Report*, 1944-45, p. 102.



oppression.”<sup>6</sup> The argument that the judicial work of Panchayats has the support of history behind it has very little value to-day, and even in olden days Panchayats were more or less informal in character and not elected in the modern sense. Parish Councils in England and the Rural Communes in France do not discharge judicial duties, while in the United States, administration of justice in Townships and Counties by elected judges has not been found to be satisfactory.<sup>7</sup> The system of recruiting judges through election has been universally condemned and there is no reason to suppose that it will yield better results in India than in the United States of America where it is very much in vogue.<sup>8</sup> It is true that people living in villages are to-day put to much expense and delay in the award of justice even when the disputes involved are petty, the facts are clear and the law to be interpreted is simple. Many are discouraged, though having a just cause, from seeking a remedy through courts situated in stations far away from the village, following complicated procedure and demanding prohibitive costs for rendering justice. What the villagers do require, therefore, is cheap and quick justice, administered nearer to their places of habitation. “It should be noted that the superiority of the Panchayat Courts consists not in their being presided over by persons elected by the local inhabitants but in their adopting summary methods of procedure, dispensing with numerous formalities, prohibiting the appearance of advocates, and trials being conducted in the presence of the village public who know the facts and for whose opinion the parties and witnesses have a high regard. All these features can be introduced into Courts without the bench being elected.”<sup>9</sup> A system of honorary or stipendary magistrates and judges being linked up with the general judicial organization of the Province and going on circuit from one group of villages to another to dispose of disputes is a much better arrangement than the present system of Judicial Panchayats, which should be abolished.

True, such a proposal of dropping judicial functions altogether from the purview of Panchayats will not find favour and it is for this reason evidently that the Committee instituted for making proposals for the separation of the Judiciary from the Executive in Madras has provided for the retention of Panchayat Courts and even for their extension as far as possible. But, for the reasons already stated, the case for revising the ideas usually held about the efficacy of Judicial Panchayats is so strong that all that could be

6. Pandit D. P. Mishra's article on "the Reconstruction of Local Self-Government" published in the *Local Self-Government Review*, Delhi, April 1938, p. 121.

7. Sir Edward Blunt, *Social Service in India*, p. 346, and W. S. Carpenter and P. T. Stafford, *State and Local Government in the United States*, Pp. 83-84.

8. W. F. Willoughby—*Principles of Judicial Administration*, Pp. 361-364.

9. M. Venkatarangaiya in "The Scope of Local Self-Government" published in the *Indian Journal of Political Science*, Vol. II, p. 295.

done to meet the popular desire is only to allow the members of the regular administrative Panchayats to act as jurors and witnesses in regard to the facts of the cases during the hearings of the circuiting magistrates proposed above, and no more. Even so, the separate existence of Judicial Panchayats as at present would become superfluous, as the members of the existing administrative Panchayats may well be used for the purpose of giving evidence or acting as the Jury during the trials.

### Control Over Forests

There are again in Madras separate Forest Panchayats, 950 in 1939-40 with a total income of Rs. 3.41 lakhs and expenditure of Rs. 3.37 lakhs.<sup>10</sup> These are committees for the sole purpose of managing the forests to which the villagers look for firewood, grazing their cattle and other conveniences, elected from among themselves by the general body of cattle-owners residing in the village or villages served by the forests in question. Every such Panchayat elects its own President and enters into a written agreement with the Government for the management of the Government forests entrusted to it. This agreement authorises the Panchayat to issue grazing permits upto a specified maximum, to collect grazing fees at stipulated rates and to enjoy all minor forest produce. The number of cow units for which grazing permits were issued during 1940 was 5,37,565, the incidence being 3.99 acres for every cow unit.<sup>11</sup> In addition, the Panchayat agrees to protect the reserve from illegal grazing and felling, goat-browsing and fire, by employing watchers and supervising their work, and to pay a suitable rent to the Government on the area entrusted to its charge. Any increase in income due to the good management and improvement of forests by Panchayats is at their disposal to be spent on further improving the forest. The Government reserve to themselves the right to take a forest back from the control of a Panchayat if this body fails to protect it adequately or allows it to deteriorate. The supervision of the work of these Panchayats has been delegated to District Collectors, subject to the general control of the Board of Revenue.

Out of the existing 15,000 sq. miles of reserved forests, about 3,000 sq. miles have been under the care of the Forest Panchayats. Their working has been found to be mostly unsatisfactory and the forests under their charge having become too easy a source of fuel, the question of taking over their management and restoring them as far as possible by judicious afforestation is said to be under consideration.<sup>12</sup> It should be noted that neglect and the

10. *Madras Administration Report, 1939-40*, p. 120.

11. *Ibid.*, p. 120.

12. *Development and Reconstruction Plans of the Government of Madras—Pamphlet No. 2*, p. 6.

random cutting down of forests result in disadvantageous changes of climates, much land becoming dry and uncultivable. The efficient upkeep of forests is therefore a national concern more than that of the local community and there may be no objection in principle if their management is taken over by the State. If there is at all a need for an agency on the spot, the local administrative Panchayat may be entrusted, under the strict control of the Forest Department, with the protection of the forests in question, rather than having a separate agency for the purpose. The case for separate Panchayats in one and the same area, one for forests and the other for general civic purposes, is very weak indeed.

### Management of Endowments

A multiplicity of institutions exercising statutory powers in one and the same village is undesirable, as there may not be a sufficient number of men of intelligence and public spirit to constitute them, and even if there were, the existence of different institutions side by side will only tend to promote the spirit of rivalry and discord among them rather than unity. This principle holds good equally to religious endowments which almost every village has in the shape of grants to temples, pipers, drummers, etc., and in respect of which the Religious Endowments Board, as the controlling authority, has been appointing local trustees and executive officers for their administration. Instead of thus creating yet another local agency, it would be better if the village Panchayat, as the representative organ of the village community, is given the power to manage all religious and charitable endowments under its jurisdiction, through its own executive, subject of course to the control of the Provincial authority for Religious Endowments.

### Special and Technical Departments

In respect of departments like Excise and Registration however, where the work is mostly of a routine character, no purpose will be served by bringing it under the control of an elected local body consisting of persons with no particular knowledge of the subjects or interest in them. The same applies to departments like agriculture and forests so far as the technical aspect of their work (like research and experiment) is concerned, while in respect of electricity and traffic regulation, special areas may have to be created covering some districts or portions of a Province according to the technical requirements of the services, and if any public body is to be associated with them it should only be a body of experts and not lay men of an elected local authority. In regard to the work of departments like Co-operation, Fisheries, Industries and Labour, "the community or the public whose opinion should act as a check against the bureaucratic administrator is not the general community.



It is what may be called the special community or public which is directly affected by the work of these departments. The wider public has only an indirect or remoter interest in them".<sup>13</sup> The Co-operative Department, for example, should be guided by the opinion of organizations like the Co-operative Unions and Banks, the Department of Industries by that of the different classes of artisans, Chambers of Commerce etc., and the Department of Fisheries by the opinion of the fishing interests.

Even in England, famous for her traditions of local self-government, all departments of administration in a particular area are not included within the jurisdiction of a territorially elected local authority and there are many organizations like the Central Electricity Board, the Forestry Commission and the Agricultural Marketing Boards working not through the omnibus elected authorities of the locality but through their own agencies.<sup>14</sup> These are all statutory bodies "working independently of public opinion not merely of particular localities but also of the Parliament". In fact the method of public management by a Central Board, being ultimately responsible to the State but freed from interference in the day-to-day administration by the party in power, has now become a widely accepted principle of modern Public Administration in respect of Public Utility Services like Electricity, Broadcasting, and Transport and in many spheres of economic and social organization generally. In regard to these, as a writer puts it, "the type of ownership is secondary; community advancement is fundamental".<sup>15</sup> It is therefore clear that matters requiring special technical efficiency in national interest, cannot be left under any circumstances in the hands of local authorities, much less to village organizations like the Panchayat.

### Food Procurement and Distribution

The acute shortage of food, cloth and other consumer goods arising out of the conditions created by the War has led to intensive procurement, rationing and control of all essential commodities in every village, and with a view to associating non-officials intimately with the administration of food and thus making the procurement policy popular and effective, Village, Taluk, and District Food Committees were formed all over the Province recently. The idea was not only to secure public co-operation and help in the release of stocks of food grains at a time of acute food shortage in the country but also to prevent, on the distribution side, black-marketing and secure equitable

13. M. Venkatarangaiya—Article on "The Scope of Local Self-Government", in *The Indian Journal of Political Science*. Vol. II, p. 282.

14. See *Finer's English Local Government*, Pp. 116-169, and Dr. Robson's *Public Enterprise*.

15. John Bauer in *National Municipal Review*, September 1939, p. 645.

distribution of essential articles which have been in short supply. As the official report says, "The high-light of the new scheme is the elimination of private wholesalers from the field of procurement of foodgrains for the internal consumption of the village. This work as well as the work of distribution are entrusted to fully representative popular committees. These Committees will be in close liaison with the officials in all matters relating to food and other controlled articles".<sup>16</sup> Village Panchayats have been excluded from this work, as by statute they can discharge only a few specified functions and are not competent to raise funds required for handling food-grains and other controlled commodities.<sup>17</sup> Separate food committees with nominated members were therefore formed for every revenue village, group of villages or part thereof as the case may be.

The Village Committees were assigned the following functions:—

" (a) to scrutinize the estimate of yields, fixed by the village Menons or the officer concerned, of the cultivators in the village, to assess the requirements of food grains for all the villagers and to determine the surplus stocks to be procured from producers for distribution in the village or for export ;

(b) to fix the quota of controlled commodities to be sold to each villager or family from out of the quotas allowed to the village ;

(c) to supervise and guide the working of the co-operative society or agents selected by it for procurement and distribution ;

(d) to help the co-operative society or selected agents in the matter of procurement of the surplus of food-grain and supervise distribution of all imported quotas of controlled commodities and all other articles distributed either by Government departments or agents, including co-operative societies or individual committees themselves ;

(e) to guard against illegal movement or illegal traffic of all controlled articles ; and

(f) to discharge such other functions that may be entrusted to the Committee by Government from time to time".<sup>18</sup> The intention was that the village committees should ultimately "undertake the entire administration of the village", replacing the existing village Panchayats charged mainly with civic functions. Where there was already a co-operative society or store in a

16. Pamphlet on *Food Administration in Madras*, issued by the Government of Madras, p. 1.

17. G. O. No. 791, Food, dated Sept. 19, 1946.

18. *Rules for the Guidance of Village Committees*, issued by the Government of Madras, Pp. 2-3.

village, it was to be entrusted with the work of procurement and distribution of foodgrains as well as other controlled commodities, while the village committee would concern itself with checking and supervising the work. Where particular co-operative societies or stores were not suitable for this work, the Collector could select private dealers in consultation with the village committees.

In short, the work of the village committee has been to look after the administrative functions like the scrutiny of the demand lists prepared by the Revenue staff in regard to procurement, checking the strength of the families, checking the issue of ration cards, checking the adequacy of the stocks in the stores etc. The Revenue staff prepare registers showing the extent of land cultivated by each ryot, his out-turn and his requirements, and arrive at his surplus and intimate it to the ryot concerned. These lists are placed before the village committees which hear objections, if any, raised by the ryots and pass the lists. The Taluk Committee scrutinizes the village lists to see whether the assessment has been fair, and enhances the surplus if it finds that the surplus settled by the village committee is low; in which case the village committee shall distribute the enhanced levy among the villagers in a fair manner. If any producer is not satisfied with the decision of the village committee, he may appeal to the Taluk Committee to prove his case and revise his demand, if necessary. The Taluk Committees send up the summaries of the village lists to the District Committee which scrutinizes the assessments settled for the taluks and finalises the position for the district. If it is found that the estimates of local production, local consumption or surplus as determined by the Taluk Committees are low, the Collector shall have over-riding power, in consultation with the District Committee, to revise the lists prepared by the Taluk Committees in the interests of the district as a whole as well as the rest of the Province.

The distribution of all consumer goods which are controlled such as sugar, kerosene, cloth, yarn, ground-nut-cake etc., was also being entrusted to the village committees. In places where local co-operative societies were entrusted with procurement and distribution of food, cloth etc., the distribution of iron and raw materials for agricultural purposes was being entrusted to them. The village quotas of agricultural implements, cart-tyres, tools, etc., are distributed by the Agricultural Demonstrator in consultation with the village committees. The broad line of policy was that while the village committees were to look after the administrative and supervisory aspects of food administration, the economic aspects like finding funds, purchasing, storing and distributing the stocks of food grains and other consumer goods were to be entrusted to the co-operative societies. As such, what are called, Producers' cum-Consumers' Co-operative Societies were organized in some districts



like Malabar, East Godavari, West Godavari, Guntur and Kistna. The functions of these Societies were mainly the procurement and distribution of food grains to begin with, and after they were fully developed, the intention of the Government was to convert them into multi-purpose co-operative societies which would deal in all essential commodities like cloth, sugar, kerosene, agricultural implements etc.

But, in actual working it was seen that neither on the procurement side nor on the distribution side, the Committees proved themselves as effective agents. Ever since the formation of village committees, not only were there changes in their personnel at frequent intervals (and this is inevitable in any system of nomination), but also charges of corruption, blackmarketing, favouritism, indifference and neglect of work on the part of the Committees were being levelled against them. Moreover, the introduction of party and communal politics in the Food Committees very vitally affected their proper working and in the nature of things this could not be helped. Owing to faction in many places, the committees had to be either dissolved and reconstituted or suspended from operation for a fixed period. Effective procurement depends largely on a strict assessment of what is surplus to the producer's requirements and on an effective agency to procure that surplus. When, under the new system started last year, the village committees became the primary assessing authority of the cultivator's surplus, they proved to be very unsatisfactory assessors of local surpluses though many have been of great value as advisory bodies. The reason is obvious, as the Commissioner of Civil Supplies to the Madras Government stated in a recent broadcast from the Madras Radio Station: "Every Village Committee, and indeed every local Committee, is naturally selfish in outlook and jealous of its own local interests. It inevitably tends to exaggerate its own local needs and to minimise the needs of others. A strict assessment of surpluses on which effective procurement depends must be done by some authority who has an overall picture of the food position throughout the Province and who is able, through his local officer, to assess local needs in relation to the position in the rest of the Province. Nor did Village Committees prove any more successful in another duty assigned to them, that of checking the enumeration of ration card-holders and the classification of card-holders into rice, millet and mixed diet. Far too many incorrect rice ration cards have been issued. Again the reason is obvious. In no country in the world, so far as I know, have the people been able to ration themselves. It has therefore been found necessary to empower Revenue and Supply officials to over-ride the decisions of local committees and examine all ration cards in the rural areas".<sup>19</sup>

19. Reported in *The Hindu*, dated 6-5-1947.

Neither were the results of the newly formed Producers'-cum-Consumers' Co-operative Societies which were given the monopoly of procurement in the heavily surplus districts of the Kistna and Godavari Deltas, encouraging enough to warrant an assurance that they would be able to procure in the future months the quantity necessary. Their procuring licences were therefore cancelled recently. To quote again the words of the Commissioner of Civil Supplies to the Madras Government: "Few will deny that it is desirable that profits made in the process of buying paddy from the producer and selling it as rice to the consumer should be shared by as many as possible and this, I take it, is the *raison d'être* of these societies. Few again will deny that if allowed to develop, they might have afforded a valuable experiment in co-operative endeavour in this field of business—and I am not concerned to-day with their activities and possible uses in fields other than procurement. But the present is not a time of plenty when such an experiment could safely be continued. It is a time when maximum procurement is immediately imperative. The societies failed mainly because they were, as they have been called by some of their supporters, 'infant' societies with insufficient capital resources and undeveloped organizations. They would, I think, have had to be 'infant prodigies' if they had succeeded in this very difficult business of procurement, in which the turnover runs into crores of rupees each month. More than that, each and every one of the 168 societies formed would have had to have been an 'infant prodigy' to succeed, because each society had a monopoly area of operations. Consequently, if even ten out of the fifty and odd societies in each district were failures, procurement in that district would be down to that extent. No Government with a proper sense of responsibility for feeding the people would have been justified in running the risk of allowing them to continue as procuring agents in the hope that they would improve and later show results comparable with the well-tried agency of the millers, who in spite of their shortcomings had shown good results in previous years".<sup>20</sup>

Thus it is clear that the Food Committees have entirely failed of their purpose, although they may be useful as advisory bodies without any administrative powers for themselves. Already village committees could take in hand the question of growing more food by seeing that all waste and arable lands in the village were brought under cultivation and tendering the necessary advice to the authorities in the matter; they could offer their suggestions regarding the improvement of the existing irrigation sources and roads, assist the development of cottage industries, and take an active interest in the promotion of hand-spinning and handloom-weaving and "an abiding interest in the formulation of both short-term and long range plans for the uplift of the village,

acting as the adviser and agent of Government for implementing the schemes".<sup>21</sup> This is the legitimate role of local committees or Panchayats, and instead of creating a separate agency in the form of Food Committees, the existing organization of Village Panchayats may be utilised for the purpose.

### **Panchayats Versus Co-operative Societies as Agencies in Rural Reconstruction Work**<sup>22</sup>

While village Panchayats or Village Committees could and should take an active interest in the satisfactory working of co-operative societies and collaborate with them in promoting village industries, improving agriculture and fostering economic orderliness and efficiency in the sphere of production and distribution of rural wealth, it is well not to confuse or mix up the distinct roles of the two institutions in the sphere of rural uplift and reconstruction. A Co-operative Society is essentially an economic institution, while the village Panchayat is primarily an administrative organization. The former is a purely voluntary association, catering only to a limited clientele who come and go as they like, for the express and exclusive purpose of supplying the specific commodities or services desired by them and cannot, for this reason, either force its services or levy the price of such services on all those who are not its members. A statutory Panchayat, on the other hand, is a compulsory organization with coercive powers of a governmental character to levy taxes and to punish, and with compelling jurisdiction over all the residents of the locality who should contribute for its upkeep and pay for all the services provided by it. The two organizations can never be merged, and the whole idea of the village Panchayats managing or conducting village co-operative societies is irrational and fundamentally opposed to the essential principles and practice of co-operation, although they can always work side by side in harmony with each other. As remarked by an eminent Co-operator, State managed co-operation is a contradiction in terms, whether in a democratic or autocratic State, and management by village Panchayats is management by State.

While one school of thought would thus place the co-operative society under the control of the Panchayat, there is a belief among some co-operative enthusiasts in this country that the "the Co-operative Movement.....is the best and in many cases the only means for providing the organization

21. *Rules for the Guidance of Village Committees*, p. 6.

22. Material for this part of the subject has been drawn largely from K. C. Ramakrishnan's article on "Co-operative Societies and Village Panchayats as Agencies in Rural Reconstruction" in *The Indian Co-operative Review*, April-June 1937.



without which the Rural Reconstruction Movement cannot be permanent",<sup>23</sup> A similar faith is noticeable among Provincial Governments and leaders in the potentialities of the Co-operative movement as the best agency to tackle not only the problem of agricultural credit but also of all-round rural uplift, and this in spite of the defects revealed in most Provinces and the practical collapse of the movement in some. Indeed, the Madras Committee on Co-operation (1939) under the presidency of Sir T. Vijayaraghavacharya wrote thus: "What is the proper organization to rouse the enthusiasm and mobilise the energies of the villagers? Some of our members and some of those who replied to the questionnaire favoured the Panchayat with its power of taxation and compulsion. But most of us, while recognizing the usefulness of the Panchayat for certain purposes, are compelled by the history of the institution in recent years to stress its limitations. It is apt to arouse faction rather than enthusiasm and to neglect even sanitation, its simplest duty. It is not by its nature adapted to promote agricultural improvement, better marketing or social change.....At the present, we think it wiser to multiply co-operative societies and entrust them with the main burden".<sup>24</sup> The Committee went further and stated that "regarding village reconstruction as a threefold process of which the stages of education, association and better living overlap, we think co-operative societies should undertake the education of the villager in the principles and practice of co-operation with the aid of departmental officers, promoting literacy, adult schools, reading rooms and other devices, instilling the principles of health and of economics; they should, at the same time, promote association in activities and enterprises useful to each because useful to all, putting into practice what they have learnt about health and economics, cleansing the village, security, maternity care and child welfare and first-aid training, establishing centres of recreation, both out-door and in-door, at the same time as they give credit and collect savings, supply good seed and improved implements, take an interest in the conservation of grazing grounds and planting of trees, encourage the castration of scrub bulls and the control of breeding, experiment in the rotation of crops and increase of fodder acreage....."<sup>25</sup> In other words, according to the Committee, the co-operative society is to take the place of the Panchayat.

We cannot but resent the unfair aspersions cast on the inability of Panchayats to look after even their own legitimate sphere of activities, as if the record of the co-operative societies has been any the better. Evidently the members of the Committee were unaware of the brilliant work turned

23. Resolution passed at the 12th Conference of Registrars of Co-operative Societies held at New Delhi in December 1936.

24. Para 330 of the *Report*.

25. *Ibid*, Para 332.

out by Panchayats in this Province during the period 1920 to 1930. One may well ask, if factions are found in village Panchayats, whether co-operative societies are free from them and whether party politics and communal bickerings are not brought into play in the election to co-operative societies. After all, who are the persons who work co-operative societies and Panchayats in the villages? If Panchayats have not worked well, we must try to find the basic causes for their bad working and reorganize them on a better footing, but not confuse the distinct roles of the two institutions and substitute the one for the other.

Adverting to the fallacy of combining the civic and co-operative services in one and the same body with a view to retaining all the freedom and elasticity of voluntary associations and at the same time enjoying the advantages of universality of membership and compulsory powers, Mr. and Mrs. Webb say: "This vagueness of thought with its mutually inconsistent aspirations is an intellectual weakness from which co-operators would do well to free themselves. Neither universality of membership nor legally compulsory powers can ever be the attribute of voluntary associations ..... Experience has shown that voluntary associations of consumers cannot be made the basis of government of industries and services, in which use or consumption is essentially compulsory or which involves risk or inconvenience, not merely to the members but to all the citizens, e.g., water supply, drainage, lighting".<sup>26</sup> Indeed, the universal practice has been to vest these functions in the municipalities in towns and in rural communes and county councils in the rural areas. If our object is to achieve a national minimum of health, education, communications and other social comforts and conveniences for all our people, it is better to entrust these services to statutory local authorities than to voluntary associations, like co-operative societies.

A noteworthy exception to this general practice has no doubt been furnished by the Health Co-operative Societies of Yugoslavia, which have taken upon themselves public health services that are elsewhere discharged by statutory local authorities. In our own country, the Anti-malarial Societies of Bengal bear the nearest resemblance to the Health Co-operatives of Yugoslavia. But many of them have been reported to be working indifferently owing to lack of money and other difficulties. "In the areas where these Societies have been started," says a writer, "they and the Union Board work side by side for the prevention of malarial outbreak. Conflicts and clashes consequently ensue. The Board and the Societies become rival organizations. The former withdraws its grants and makes propaganda against the latter. A vicious atmosphere is created and all the evils of overlapping of functions

26. *The Consumers' Co-operative Movement*, p. 425.

are brought into clear relief. It is better to concentrate the anti-malarial function in the Union Boards than to diffuse it between the two organizations".<sup>27</sup>

In the Punjab, Better Living Societies have grown in recent times. "The peculiarity of the Punjab Movement," it has been claimed, "is the formation of moral societies, arbitration societies for the prevention of litigation, education societies for adults and juveniles, thrift societies for all classes and better living societies for the restriction of extravagance and the improvement of hygiene".<sup>28</sup> But one cannot be very optimistic about a co-operative society "branching out in endless ramifications losing sight of the main objective in a multiplicity of activities" and undertaking to perform a "bewildering variety of functions".<sup>29</sup> The original object of Better Living Societies to reduce drastically ceremonial expenditure is said to have been achieved by several societies; but the Punjab Registrar of Co-operative Societies was not himself sure as to "how much of the expenditure is due to the preaching and practice of these societies and how much to the shortage of hard cash".<sup>30</sup> An incidental evil seems to have been "the formation of societies on a strictly communal basis, since a society of mixed communities finds it difficult to lay down rules which would be binding on all the members".<sup>31</sup> Compulsory Education Societies in the Punjab have a distinctly poorer record. As the Registrar wrote in 1933: "The title of the societies is a misnomer, for the last thing that is exercised is compulsion. Fines for non-attendance are in some respects fiercely imposed, but recovery is another story".<sup>32</sup>

It is clear therefore that what rural self-governing bodies with statutory authority over the entire village are capable of achieving in rural welfare work is far beyond the scope of co-operative societies. There is no doubt that besides providing agricultural credit, the co-operative society can undertake other functions of an economic nature like keeping stocks of seed, agricultural implements, manures, fertilisers and even household necessities of life and distributing them to the public. It can store the entire agricultural produce of the village after each harvest and market it to the best advantage. But the co-operative society as a 'universal provider' has been tried and found a failure everywhere. In spite of over four decades of State support, the Co-operative movement in our country has touched

27. N. C. Roy: *Rural Self-Government in Bengal*, p. 179.

28. C. F. Strickland: *Review of Rural Welfare Activities in India*, p. 14.

29. H. M. Hood, Former Registrar of Co-operative Societies in Madras, before the Townshend Enquiry Committee.

30. *Report on Co-operative Societies in the Punjab, 1932-33*, p. 50.

31. *Ibid*—1933-34, p. 45.

32. *Ibid*—1932-33, p. 49.



only the fringe of the problem even in the sphere of credit where its claim to succeed is beyond question. The Consumers' Co-operative Stores in this Province have shown little progress, with the exception of a few like the Triplicane Urban Co-operative Society in Madras City. In the abnormal circumstances created by the War, the stores movement has gathered momentum, but how far it will continue to thrive when normal conditions are restored is a moot question. The recent experiment of Producers'-cum-Consumers' Co-operative Societies consisting of representatives of land-owners and all producers and consumers of foodgrains and with a heavy share capital that was fixed for each society (which was often not realized) appears to be more capitalistic in nature than co-operative. Apart from the conflict of interests between producers and consumers inevitable in an organization of this type, the upshot of which will be mismanagement and improper functioning of the societies, the scheme started under official auspices contravenes the principles of co-operation and is not different from the joint stock company system in so far as the distribution of profits is concerned. At any rate, the record of Panchayats in Madras has not been surpassed by that of co-operative societies, even of a multi-purpose character, in the sphere of rural reconstruction.

Multi-purpose, as Prof. Ramakrishnan says, was no doubt "the ideal of Raiffeisen, and it has been the slogan of the Reserve Bank of India for ten years now. But the response has been poor and the result far from encouraging not only in this country, but in every country—especially in backward countries—where it has been tried. This is not to say that one or two allied functions cannot be tacked on to the main purpose of any society. This indeed underlies the scheme of 'controlled credit' in Madras. . . . . Credit societies can at best try, in addition, the supply of agricultural and domestic requirements and act as agents of sale societies in marketing produce".<sup>33</sup> Even the Co-operative Planning Committee appointed by the Government of India on the recommendation of the Fourteenth Registrars' Conference has urged "that in certain activities 'essential for economic progress' like consolidation of holdings, crop protection or irrigation, compulsion may be exercised to attain the desired object. . . . . A better course would be to delimit the sphere of activities of co-operation so as to exclude from it functions like consolidation of holdings, crop protection, and maintenance and use of irrigation works and to entrust these to the State or local bodies (Panchayats) of which membership cannot be voluntary but universal, and which are vested with powers of coercion as in the case of sanitation, water-supply, etc".<sup>34</sup>

33. K. C. Ramakrishnan's Article on "The All-India Co-operative Plan" in *The Indian Co-operative Review*, Jan.-March 1947, p. 16.

34. *Ibid*—p. 15.

In Madras, there has been little antipathy or rivalry between the Panchayat and Co-operative movements; indeed, they have been considered complementary to each other. The Madras Provincial Co-operative Union organized six rural reconstruction centres and nourished them for half a dozen years from out of the grants made by the Provincial Bank and District Banks in the area. Its President, the late Sri V. Ramadas Pantulu, exhorted the workers to organize not only co-operative societies but also village Panchayats. He emphatically stated: "The statutory Village Panchayats should be made the main instrument for reconstruction work. No other agency can comprehend within its scope all the spheres of village activity. Voluntary associations without legal sanctions are difficult both to organize and sustain."<sup>35</sup> The efficiency of Co-operation, as the first Registrar-General of Panchayats, Sri N. Gopalaswami Iyengar, remarked at a Co-operative conference, lies in successfully attacking one important aspect of the problem of rural reconstruction, namely, the betterment of the economic condition of the great majority of the rural population now steeped in debt. "Such betterment in material condition," he said, "is a sure foundation for that heightening of moral stature, that acquisition of self-confidence and that assurance of capacity for self-development which are so essential for placing rural life on a visible basis. But it is only a foundation for one aspect of rural reconstruction; it cannot be a substitute for all of it."

#### The Importance of Social Services

To sum up, it is regrettable that in all discussions in India on the enlargement of the scope of local self-government, there seems to be an impression that functions like the administration of justice, police and land revenue carry with them greater prestige value than the social welfare services with which local bodies are already familiar and in which they can serve the community best. The scope in the field of representative, regulatory and service functions, already indicated in the case of Panchayats, is immense and they are also of the greatest importance in the promotion of public welfare. If the State in India is to become transformed from a police organization to a social service institution as in the West, it is through the agency of local authorities that the welfare programmes should be given effect to. Village Panchayats are empowered, and to some extent, even engaged at present, in administering most of the services on which rural welfare depends. The creation of a special agency or *ad hoc* committees to do more or less the same kind of work obviously leads to unnecessary overlapping and waste of funds. "It is nonsense," scathingly remarked Sri N. Gopalaswami Iyengar at a recent Conference of representatives of Panchayats "to have separate Panchayats for

35. *The Madras Journal of Co-operation*—Vol. XIX, p. 441.

forests and irrigation, and separate food committees. This betrays lack of confidence in the statutory bodies. Such *ad hoc* bodies are brought into being by people who are enthusiasts and who think that the bodies which look after these things should be creations of their own brain".<sup>36</sup> All administrative functions of the village that require attention locally should therefore be entrusted to one statutory body and all social welfare schemes of the Government, including housing, poor relief and other services for the relief of different kinds of destitution and suffering should be got executed through this agency. If any new functions have to be taken over by Panchayats, it is in the sphere of such services which "touch family and home most intimately," and have become the sphere of local bodies in all countries in the modern age.<sup>37</sup> It is such a definition of the scope of local autonomy that is required.

36. Reported in *The Hindu*, dated 16-5-1947.

37. W. A. Robson in *Encyclopaedia of Social Sciences*, Vol. IX, p. 583.



## CHAPTER VI

### PANCHAYAT FINANCE

No scheme of rural self-government can succeed without adequate finance ; but so far the Panchayats have not been treated in a generous fashion. "It has been a widely accepted maxim that on local authorities should primarily rest the obligation to finance all those services which they are empowered to administer and that if in respect of any service they receive a grant-in-aid from the Provincial Government, the latter should exercise corresponding control over them. This is a healthy principle in so far as it couples power with responsibility."<sup>1</sup> If village Panchayats are given power to manage many services without the necessary funds, there is bound to be a divorce of power from responsibility, and this is sure to lead to disastrous results. It will either ultimately kill local autonomy or make the whole system of administration loose and inefficient and bring about disintegration of a most harmful character. And yet this is what has happened in a way, so far as Panchayats are concerned.

#### Assigned Cesses and Taxes

The Village Panchayats Act of 1920 gave them no assured income to serve as a nucleus for their resources, while under the existing Local Boards Act the only income common to all Panchayats is that derived from the land cess of six pies in the rupee of land revenue which the District Board is bound to make over to them out of the twenty-four pies (till recently eighteen pies) collected. Local taxation in our rural areas thus corresponds to the English system where the rate levied on occupiers of fixed property is the source of all tax revenue. In the nature of things, District Boards do not generally view with equanimity the co-existence of Panchayats and some of them are even hostile to the creation of new ones, as these take away a portion of the land cess without very much reducing their expenditure over the whole district.

It is however urged on behalf of Panchayats that  $\frac{1}{2}$  anna out of the 2 annas of cess is too small a contribution and that on the assumption that Panchayats will take over elementary education, barring perhaps higher elementary schools, they should have three-fourths of the cess and the education cess now levied by District Boards, one-fourth (i.e., 6 pies) only going to

1. M. Venkatarangaiya in "The Scope of Local Self-Government"—*The Indian Journal of Political Science*, Vol. II, p. 291.

the District Boards. That Panchayats should finance elementary education is a somewhat large assumption, and if the financial responsibility for elementary education is borne by the State, as it should be, the education cess levied by the District Boards may have to be legitimately appropriated by the State. But in respect of the two annas of cess collected, there is no reason why the District Board should take away one and a half annas, especially when almost all the functions of the District Board in the village devolve on the Panchayat (in some respects the Panchayat even goes beyond the sphere of activity of the District Board) and when Government have already taken over major hospitals, trunk and marketing roads and some secondary schools and contemplate taking over the remaining local fund medical institutions also under their charge. This together with the transfer of second class roads and education (elementary and secondary), which is bound to be effected sooner or alter, will result in very little financial responsibility, if at all, being left in the hands of District Boards. The huge expenditure which they incur on establishment and the present organization would thus become unnecessary. In view of the growing responsibilities and powers of village Panchayats and the corresponding shrinkage of duties of District Boards consequent on the provincialization of the major services administered by them so far, it is only proper that rather than assigning one-fourth of land cess to Panchayats and three-fourths to District Boards, the process should be reversed, and the entire cess or at least the bulk of it should go to Panchayats.

In 1925 the Indian Taxation Enquiry Committee recommended that in the peculiar conditions of India where the taxation of land is appropriated by the State Governments rather than by local authorities as in the West, the Provincial taxation of land should be standardized at 25 per cent of its rental value, instead of the theoretical 50 per cent of it, that Local Boards should be authorised to levy a surcharge not exceeding 25 per cent of what is taken by the Provincial Government and that over and above this surcharge, additional special rates for specific purposes may be imposed. This appears to be the best alternative and financial reform should proceed along these lines. Pending such standardization, it would be necessary to allot a definite portion of the land revenue (say, two annas in the rupee) collected in the village to the Panchayats, and this may not seriously affect Provincial finances if a tax on agricultural incomes is levied. The Madras Village Panchayats Bill of 1941 provided for a compulsory additional levy of three pies of land cess, but it aroused universal opposition. Any further taxation of land is naturally resented to as unnecessary and undesirable. The Madras Village Panchayats Act of 1946 has therefore rightly left it to the discretion of Panchayats to levy the additional three pies of cess or not. A reallocation of the existing proceeds of land cess between Panchayats and District Boards on the lines indicated above and an assignment of a portion of land revenue collected in the village would bring the much needed relief to Panchayats.

It is needless to say that the existing assignment of six pies of land cess is far too inadequate for Panchayats to play their role in rural life.

The land cess being based on the annual rental value of lands cultivated, the poorest ryot has to pay at the same rate as the richest, and unless it is supplemented by other taxes having a bearing on the incomes of all the residents of the locality, the tax-system on the whole tends to be regressive. "The defect with the Indian tax-system is that a few of the taxes included in it tend to prove burdensome to non-residents, while the system as a whole bears more heavily on the poor than on the rich".<sup>2</sup> Such is actually the case in the rural tax system of this Province. Even the house tax which is the main source of income to Major Panchayats is restricted to areas where the tax was collected before April 1, 1930, and this restriction has excluded the vast majority of Minor Panchayats from levying the tax. It may no doubt be levied with the sanction of the Provincial Government, but very few Panchayats have attempted to do so. The basis for the levy of house tax is the annual rental value or capital value as the case may be, but the tax is mostly based on the former and to the extent to which the owner of the house bears the incidence of the tax, the rental value of the house does not correctly measure his ability as it does not constitute the whole of his income. If it is the occupier who pays the tax, poorer occupiers carry a heavier share of the burden than the richer ones, as rents hardly form a uniform percentage of the income of individuals. There is therefore need for some kind of progression in the levy of house tax. It is now a lucrative source in urban and semi-urban areas, and its extension to rural areas based on the nature of the house, namely, on its being terraced, tiled, thatched etc., and on linear dimensions, would be necessary as an easy way of making non-landholders pay their share of the village common expenses.

Panchayats are also authorised to levy a profession tax, based on the income of the individuals and on the class of business-men such as money-lenders, petty traders, tanners, renters of toddy shops etc. "When properly worked, it is just like a local income tax and can therefore serve as a corrective to the regressive nature of the tax on houses and lands".<sup>3</sup> But very few Panchayats have so far made a systematic attempt at levying this tax. Moreover, according to the recent legislative limitation the levy of profession tax cannot exceed a maximum rate of Rs. 50/- per annum per individual and where it exists, the machinery of assessment and collection is so inefficient that the yield is very poor. Profession tax as a source of income to Panchayats has therefore failed.

2. M. Venkatragaiya—Article on "Local Finance" in *The Economic Problems of Modern India*—edited by R. K. Mukerjee, p. 439.

3. *Ibid*, p. 441.



Besides these assigned sources, the proceeds of the following are also credited to Panchayat Funds :—

(a) The pilgrim tax levied in the Panchayat area on travellers during festivals, (except where the festival is classified as a district festival), and collected by the Railway administration concerned ;

(b)\* The sur-charge on stamp duty levied within the Panchayat area on transfers of immovable property, collected and credited by the Registration Department, less the collection charges ;

(c) The entertainments tax, less 10% of the proceeds towards collection charges ;

(d) The magisterial fines imposed for offences committed in the village under the Madras Local Boards Act, 10% of the collections being withheld to cover the cost of service of processes and *batta* to witnesses ;

(e) Tolls and taxes levied under sections 117 and 118 of the Madras Public Health Act during fairs and festivals, except where the fair or festival is notified as a district fair or festival.

One cannot say in the same breath that social amenities are necessary in the village and that no taxes should be levied. The compulsory levy of a house tax and a vehicle tax and an optional levy of a tax on advertisements as provided for, among others, in the Madras Village Panchayats Act of 1946 are not only desirable, but necessary. However, though the principle of multiple taxation has been accepted with a view to distributing the burden evenly among all the sections of the local community, still "it is not scientifically worked for the purpose of removing the defects found in particular taxes and making the whole tax system an equitable one".<sup>4</sup>

#### Non-Tax Sources, Contributions from District Boards and Others

The chief sources of non-tax revenue are the fees on licences and permissions issued by the Panchayat, e.g., tea houses, coffee shops, refreshment rooms, brick kilns, oil mills, hides and skins depots and travelling shows, market fees, cart-stand fees, slaughter-house fees, scavenging and cess pool fees, (where these services exist), fees for the use of choultries, threshing floors, village sites and other public places, avenue proceeds, sale proceeds of sweepings, rubbish etc., income from endowments and trusts, communal *porombokes*, etc. District Boards contribute from their funds a portion of the income derived from markets classified as district markets. Contributions are also paid to Panchayats for maintaining district roads in Panchayat areas, although such cases are few and far between. In some districts, collections

4. *Ibid*, p. 442.

from avenue produce are also made over to Panchayats. But as Drummond points out, "District Boards have in general shown themselves averse to decentralization; and this is not surprising since their income is so meagre that they cannot afford more than the smallest doles to the inferior local bodies".<sup>5</sup> A few District Boards like those of Chingleput and North Arcot were particularly sympathetic and helpful to Panchayats, but the same cannot be said of all the District Boards in the Province.

Even now the villager's patriotism centres in his village and it is difficult to work up enthusiasm towards artificial units like the District Boards.<sup>6</sup> There is still a large spirit of munificence in the villages and the voluntary contributions for expenditure on tanks, temples and other institutions of common utility or charity aggregate to an appreciable income if they are pooled, conserved and wisely spent. "Panchayats have naturally taken root most easily in districts where there was already in existence an informal system of administering a village common fund for festivals, watch and ward of crops and other purposes".<sup>7</sup> They should therefore be advised to garner in the first instance all the sources of communal income available in the village. Cattle droppings in public places, *Vezhal* grass in tank beds, the right to gather babul pods or the leavings in the groundnut fields, the privilege of grazing ducks on harvested fields, fisheries and silt in drinking water ponds—these and other similar items are already sold in public auction and the proceeds appropriated to Panchayat funds. A notable instance of a place where non-tax income is received to a large extent is Pennadam in the South Arcot District. Without the levy of a house tax and excluding the amounts received by way of land cess and profession tax totalling to Rs. 500/- approximately, the Board got in 1944 an income of Rs. 600/- from licence fees, about Rs. 150/- from private scavenging fees, about Rs. 375/- from *Tharagu* fees, about Rs. 375/- from sales of withered leaves, fallen trees, cow-dung etc., Rs. 100/- from fisheries and about Rs. 115/- by way of compensation for magisterial fines in respect of nuisance cases.

The village communal fund known as *Samudayam* is still met with in some of the Tamil speaking districts of the Madras Presidency. It is a surviving relic of the old corporate existence of the village community and the objects to which its proceeds are devoted are the feeding of the poor, the repair of the village tanks, the erection of drinking water ponds and the celebration of festivals at the village temples. The chief sources of the fund are the sale proceeds of the fruits of trees on village land held in common, of the fish in the village tanks and of the thatching grass

5. J. G. Drummond—*Panchayats in India*, p. 10.

6. *Ibid*, p. 44.

7. *Panchayat Administration Report*, 1927-28.

which grows on the foreshores of tanks, income from lands held in common for charitable purposes, sometimes also taxes imposed by common consent on articles of certain classes brought in or sold in the bazaars.

### Special Taxes Levied by Panchayats

While all attempts should no doubt be made to tap all possible sources of non-tax income, it would still be difficult to avoid the levy of local rates for local benefits. Panchayats have already power under the existing Act to levy with Government sanction taxes that are suitable and convenient to the village.<sup>8</sup> Among the taxes now being levied under this provision are *Mahimai*, *Kolagaram* and *Tharagu* which are essentially taxes on the purchase or sale of village produce or on produce brought for weighment at the time of sale in the village; the vehicle and animal tax; land tax levied on an acreage basis for *Kudimaramat* purposes; and the family tax, for instance, to meet the cost of employing a tank-watchman. The proceeds of the pilgrim tax levied in the area are also credited to Panchayat funds and have to be exclusively spent on sanitary arrangements in connection with the pilgrim traffic during fairs and festivals. Taxes are levied by some Panchayats for specific purposes like *Kudimaramat* and by others for the general purpose of improving village sanitation, roads and village amenities in general. Exemptions from the former kind of taxes are allowed to those who choose to contribute their quota in labour.<sup>9</sup> Taxes are collected in the shape of both produce and cash.

Although the taxing powers vested in the village Panchayats are comprehensive enough, still the general poverty and conservatism of our villagers make them exceptionally unable and unwilling to shoulder any fresh burdens of taxation. The establishment of a Panchayat in every village will no doubt strengthen the willingness of the inhabitants to tax themselves, besides helping in the revival of many traditional forms of taxation which have fallen into disuse. "There are at present hundreds of villages which have been paying a local cess for the last sixty years and more but which do not have a road or a well in their neighbourhood. To create enthusiasm for taxation under such circumstances is an impossibility".<sup>10</sup> Experience has however shown that much of the difficulty in local taxation can be circumvented when once the villagers are assured of the benefits. "Though regular recurring taxation for sanitary and lighting purposes is generally resented", says the official report for 1926-27, "there is in many villages remarkable readiness to submit to special taxation for specific works of improvement, and

8. Section 75 (2) (a) of the Madras Local Boards Act.

9. *Handbook of Information on the Administration of the Madras Presidency*, (1939), p. 151.

10. M. Venkatarangaiya—Article on "Local Finance", in *The Economic Problems of Modern India*—Edited by R. K. Mukherjee, Pp. 445-446.



the establishment of Panchayats, especially in the Northern Circars and deltaic tracts, has procured for the improvement of the village non-tax funds which were previously very largely neglected". The universal organization of Panchayats will therefore give the villagers an institution which being devoted primarily to the welfare of the villagers, will take steps to revive some of the older sources of communal income and some forms of taxation like contributions in the shape of personal service, free cartage of materials and payments in kind. A wholesome method is to empower them, as already provided for in the existing law, to levy any tax that is suitable to the village with the previous sanction of the Provincial Government. This will introduce flexibility in the tax-system, as it is not an easy matter to specify all sources of taxation in small areas in view of the varying conditions from place to place.

Villagers are even now accustomed to meeting a number of informal tax levies and it may be of interest to note, for example, that in almost all agricultural villages of this Province *Octroi* (which has never been tried in this Presidency as a form of taxation) is being levied by the village community for the common purpose of the village. While *Octroi* may be considered unsuited for Municipalities and District Boards, it is quite well suited for village Panchayats and will be in their case in keeping with custom which in many villages has come down to the present day.<sup>11</sup> The prejudice against *Octroi* is largely due to the administrative difficulties involved in its imposition. The tax is difficult of realization in places where the imperfections and evasions are inevitable as, for example, in towns with a large population or in regional areas like those of the District Boards, ingress into and egress from which cannot be controlled with efficiency. But it is an easy and lucrative source of revenue in a compact area like the village where the imperfections and evasions are reduced to the minimum. In fact, the village *Mahimai* or *Kolagaram* or *Tharagu* as it is differently called, which is a familiar levy in several parts of this Presidency, is imposed on various articles of consumption and export. The Panchayat fixes the rates for each article and leases out the right to collect them to the highest bidder in public auction. Panchayats generally prefer the levy of an *Octroi* on the sale and export of produce in the village to a duty on the import of articles required for consumption in the village. The economic motive behind this preference is obvious. What is available for sale and export is generally what remains after making adequate provision for consumption in the village and the duty is moreover paid in the first instance by an outsider. Usually the tax is fixed on the bandy load or other specified quantity and as it forms an insignificant

11. Sri N. Gopalaswami Iyengar before the *Taxation Enquiry Committee, Evidence* Vol. VII, p. 354.

percentage on the value of the commodity, it is willingly paid and its effect on prices is negligible.

Such informal tax levies by Panchayats have however been gradually discouraged by recent administrative practice in Madras. For example, the tax on families and taxes on export including exporters of fish levied by some Panchayats;<sup>12</sup> the tax on the purchase and removal of salt from salt factories;<sup>13</sup> *Mahimai* relating to exports<sup>14</sup> and the tax on ploughs in places where it was not in vogue prior to April 1, 1937,<sup>15</sup> have been declared illegal. Even in respect of the *Mahimai* tax on imports, it is to be continued only in areas where such levy is customary and "no proposal for the levy of a tax involving the starting of a new *Octroi* in any area should be sanctioned".<sup>16</sup> The levy of the tax on imports in cases in which its continuance is permitted should, however, be confined only to goods and commodities intended for consumption in the local areas concerned, except salt, petrol, producer-gas charcoal, excisable liquors and drugs. It is clear that this restriction goes counter to the economic motive mentioned above, by which Panchayats prefer to tax articles of export rather than articles of consumption and it may therefore be not long before the levy is discontinued even in places where it is now being allowed to continue. For "Panchayat Boards should not be allowed to tax the imports of commodities which merely pass through a collecting depot in their areas but intended for further manufacture or consumption elsewhere or wholesale sales of tobacco in their areas for consumption outside".<sup>17</sup>

The only field in which Panchayats can have freedom of action is in respect of the sales of all kinds in the village. Even here, the tax is restricted to retail sales only in the village, except those of salt, petrol, producer-gas charcoal, excisable drugs and liquors and the rate of tax on the retail sale of commodities other than agricultural produce should be subject to a maximum of 3½ per cent of the value of the commodities sold.<sup>18</sup> Retail sales of agricultural produce including produce having food value and raw tobacco can also be taxed, the scale of the tax not being subject to any limit.<sup>19</sup> But a tax of this kind is not likely to evoke any great enthusiasm among Panchayats, nor is it likely to be willingly paid by the village for the reason that it affects local consumption, the incidence being ultimately placed on the local consumers.

12. Government Memorandum No. 37362-11-A/L-A, dated 21-1-1942.

13. Government Memorandum No. 37362-14-L-A, dated 27-3-1942.

14. G. O. No. Ms. 3121, dated 20-10-1942.

15. G.O. No. Ms. 1053-L-A, dated 9-2-1943.

16. G.O. No. Ms. 3121, dated 20-10-1942.

17. *Ibid.*

18. *Ibid.*

19. Government Memorandum No. 35423-1-A, dated 31-12-1942.

A very fruitful source of revenue which has not been fully availed of either by Panchayats or Municipalities, is the taxation of the unearned increment of the land, the possibility of which was long ago explored by the Madras Financial Relations Committee of 1920.<sup>20</sup> The value of land especially in Major Panchayat areas which are urban in character, increases quickly and these bodies must be in a position to reap the result of the improvements effected by them by assigning the land for terms of years and realising a proper ground rent. The annual value of houses includes both site value and building value. Quinquennial revisions of the house tax tap only so much of the unearned increment as expresses itself in annual value. As the Committee said, "the problem no doubt bristles with practical difficulties but we must be content with abstract justice; it is not possible to attain absolute accuracy in valuations or absolute equity as between individuals." A tax on transfers of property, such as is already levied in Municipalities and Panchayats in Madras, may in some measure tax unearned increments on land within their jurisdictions.

### Principles of Local Taxation

The essential criteria for success in local taxation are :—(a) the tax jurisdiction should be as small as possible because the narrower the limits of the tax jurisdiction, the more closely are the benefits of the expenditure of a tax realized and the greater therefore is the willingness of the people to submit to further taxation; and (b) the widest possible freedom in the matter of choice of taxes and the fixing of rates should be given to the smallest of these tax jurisdictions. "Each additional year of experience" wrote Sri N. Gopalaswami Iyengar in his Report on Panchayat Administration for the year 1925-26, "in the work I am in charge of has only served to fortify the faith I have in the readiness of our people in the rural areas to incur reasonable sacrifice if it is needed for subserving the common welfare, and that it is not difficult to persuade villagers to tax themselves provided it is made clear to them, (a) that the money raised will be spent in the village; (b) that they will be left free to choose the form and rate of taxation subject to reasonable control, and (c) that they will not be called upon to pay out of such taxes for services which the Government or the Local Boards are now bound to find money for." A similar view was expressed by Sir T. G. Rutherford in reviewing the work of Panchayats for the year 1928-29, and it is true now as ever. But the way in which the freedom of action in respect of the form and rate of taxation already levied by Panchayats is being gradually curtailed in recent years goes counter to the sound principle enunciated by the two

20. Report—Para 82.



outstanding administrators who had practical knowledge of the working of rural self-governing bodies in this Province for more than a decade.

The real problem in local taxation is that the essential productiveness of local public expenditure must be brought home to the villagers who must be convinced that on the whole the advantages of such expenditure outweigh the disadvantages of local taxation. The wisest policy however, is not to attempt a modification of the kind or rate of taxation against the will of the body most affected by it. The initiative for the imposition of a tax must proceed from the village itself. In areas where a new rate would be considered an innovation, a small increase in some existing rate to be collected by the existing agency would be less resented to than a new tax assessed and collected by the Panchayats themselves. Again, in the case of a village whose inhabitants demand special amenities such as an electric lighting scheme or a radio service and are willing to pay for them, they should be allowed to do so, without imposing any burden on other villages that do not benefit by these services. In the long run, however, the tendency for these latter villages would be to demand such new amenities for themselves, when they would be willing to be taxed for the purpose seeing that their neighbours are reaping the fruits thereof. The main impetus must of course come from Government who should make suitable grants to enterprising Panchayats as well as the less enterprising ones to 'toe the line', as it has been found necessary even in the United Kingdom for local authorities "to be prodded by Government departments and cajoled by grants-in-aid."<sup>21</sup>

#### Grant-in-aid

##### (a) *Library Grant*

It is unfortunate that not a single rupee had, up to the end of 1924-25, left the Provincial Exchequer in aid of the funds of any Panchayat. Direct State aid however began in 1925-26 with a small allotment of Rs. 8,000/- for grants to be distributed by the Registrar-General to Panchayat libraries. This allotment was increased to Rs. 10,000/- in 1926-27 and Rs. 20,000/- in 1927-28. After 1927-28 library grants were distributed through Collectors for one year and subsequently discontinued. In 1936-37 and 1937-38 library grants amounting to Rs. 11,499/- were distributed to Panchayats through the Director of Public Instruction. In 1944-45 a sum of Rs. 30,000 was allotted for disbursement of library grants. It is clear that the growth of the library movement in the villages would have been more rapid if the grants had been disbursed on a more systematic and generous scale. The grants are made subject to the condition that the Panchayat shall provide a building for the location of the library accessible to all communities and the

21. J. G. Drummond—*Panchayats in India*, p. 49.

equipment required if any; that in addition it shall find an equal amount either in cash or in the shape of books; and that the whole amount of the grant and the Panchayat contribution shall be used only for the purchase of books.<sup>22</sup> The supervision of these libraries is entrusted to the Education Department.

(b) *Education Grant*

The running of elementary schools was an important item of Panchayat activities under the Village Panchayats Act of 1920; it still continues to be so under the Local Boards (Amendment) Act of 1930. They are subsidized from Provincial funds by the distribution of rateable grants according to the qualification of teachers employed. This practice was begun in 1926-27, and all the 1,500 Panchayat schools to-day receive Government grants which are being distributed through the Inspector and Deputy Inspectors of Local Boards and Municipal Councils. A minimum teaching grant of Rs. 144/- per annum is paid to teachers with qualifications less than Higher Elementary Trained, Rs. 130/- to Higher Elementary Trained or Secondary School Leaving Certificate holders, and Rs. 240/- to Secondary Trained Teachers.<sup>23</sup> An initial equipment grant was also sanctioned by the Government until 1927-28 for the purchase of furniture and other articles of equipment but it has since been discontinued. Panchayats are responsible for providing a school house accessible to all communities and for meeting other expenditure connected with the school. Such Panchayats as were desirous of constructing buildings of their own were assisted with building grants out of Provincial funds, but they have been discontinued in recent years. The following statement shows the amount of teaching grant allotted and disbursed to Panchayats from 1938-39 to 1944-45 :—

<i>Year</i>		<i>Allotment</i>		<i>Disbursement</i>
1938-39	..	Rs. 3,12,500	..	Rs. 3,10,320
1939-40	..	„ 3,85,500	..	„ 3,80,246
1940-41	..	„ 3,65,500	..	„ 3,57,080
1941-42	..	„ 4,08,000	..	„ 3,70,085
1942-43	..	„ 4,29,200*	..	„ 3,86,092
1943-44	..		Figures Not Available	
1944-45	..	„ 10,11,000*		„ 5,26,969

\*Includes Dearness Allowance to teachers.

22. *Handbook of Information on the Administration of the Madras Presidency* (1939), p. 152.

23. *Ibid*, p. 153.

In spite of these grants, the main problem of many Panchayat schools is lack of funds. No Panchayat school teacher has had any increment at all for several years. Started on Rs. 15 or 20 per mensem, they have had to remain at that practically for life, and this factor has been not a little responsible for the reported inefficiency of Panchayat schools, whereas in the case of District Boards they have been compelled to pay increment to their teachers. Recently, the scales of pay of school teachers have been slightly enhanced, but unless the entire responsibility of providing necessary funds and taking other measures for toning up the general efficiency of Panchayat schools is borne by the State, Panchayat schools cannot thrive.

(c) *Road Grant*

In respect of the improvement of village communications and water supply, Government inaugurated in the year 1927 the policy of distributing grants to Panchayats through the Registrar-General of Panchayats and since 1931 through the Inspector of Local Boards and Municipal Councils. The grant has been distributed on the arrangement that half the estimated cost is borne by the Panchayat in cash payment or by mobilising labour. The following statements show the amount of grants sanctioned and disbursed by the Provincial Government to Panchayats, the number of works sanctioned and the Panchayat Boards benefited by them from 1927-28 to 1945-46 :—

*Village Communications (Provincial Grant) I*

Year	Total Sanctioned	Works Sanctioned	Number of Panchayats benefited
1927-28	Rs. 30,160	104	163
1928-29	" 84,908	213	195
1929-30	" 1,69,921	420	388
1930-31	" 2,04,931	482	346
1931-32	" 1,50,369	394	241
1932-33	" 1,57,390	301	215
1933-34	" 1,86,022	393	319
1934-35	No Grant		
1935-36	" 72,000	161	130
1936-37	" 87,563	141	126
1937-38	" 17,500	63	63
1938-39	Distributed through District Boards		
1939-40			



## Village Communications (Provincial Grant) II

Year	Amount Sanctioned	Amount Drawn	No. of works Sanctioned	Panchayat Boards Benefitted
	Rupees	Rupees		
1940-41	.. 50,000	8,641	19	18
1941-42	.. 1,00,000	60,007	122	112
1942-43	.. 2,00,000	97,643	266	245
1943-44	.. 2,00,000	1,53,831	337	324
1944-45	.. 2,00,000	1,79,681	329	326
1945-46	.. 2,00,000	1,96,921	180	170

Before 1927 no portion of the grant was earmarked for Panchayats as the distribution was effected through the agency of Local Boards themselves. The result was that "Panchayat villages which were prepared to tax themselves for finding their share of the cost of the work had in most districts to take their chance in the scramble for these grants with villages which had no Panchayat and some of which offered no contribution of their own at all."<sup>24</sup> From 1935 to 1939, full grants were also sanctioned from the Government of India allotment for rural reconstruction, and a sum of Rs. 1,39,236 was thus distributed to Panchayats under village communications.

As already pointed out, the system of half grants has hardly touched the problem of village communications. Out of the total provincial grant of Rs. 9.50 lakhs allotted during the years 1940-41 to 1945-46, a sum of only Rs. 6,96,724/- (about 73%) was actually drawn by Panchayats, while the number of works carried out during the six years is only 1253, distributed between 1195 Panchayats. The grant is sanctioned only for capital works such as (a) formation of new roads on *porombokes* and private lands, (b) conversion of cart tracts into earthen roads for the first time; (c) graveling and metalling the roads for the first time and (d) construction of culverts and bridges. One of the important conditions to be complied with for the withdrawal of the grant has been that the roads to be formed or metalled or on which culverts and bridges are to be constructed should be inter-village in character. This restriction has very vitally handicapped many villages where improvements are otherwise pressing, although in respect of culverts and bridges, it has recently been removed. The grant works are mostly executed by Panchayats departmentally under the supervision of the District Board Engineering staff, but they are generally indifferent as their hands are already full with the execution of the works of the District Boards. In the absence of a separate engineering staff for Panchayats, they have no alternative but to rely on this unwilling body (who evince little or no interest in their works) for

24. Administration Report of Panchayats, 1925-26.

the preparation of estimates, technical advice and measurement and check-measurement of works, which involve many cumbersome formalities and prolonged delay. No wonder progress has been deplorably poor. Another factor contributing to slow progress is the difficulties involved in the acquisition of private lands, alienation of poromboke lands and vestiture of cart tracks in favour of Panchayats, all of which have to be got done by the District Collectors who were advised during the War to postpone such proceedings. Above all, lack of funds has stood in the way of several Panchayats undertaking schemes, involving large expenditure for them even with the aid of half grants. There has been no system followed in the disbursement of grants having regard to the needs of the districts and of different places in the same district, with the result that the needy and necessitous have been neglected to the benefit of the richer and more prosperous areas. It is unnecessary to reiterate that while taking the entire responsibility of financing all new constructions, Government should make suitable grants to Panchayats according to their needs and financial capacity for road maintenance as well.

(d) *Water Supply Grant*

As in the case of roads, Panchayats profited little before 1927 by grants placed at the disposal of Local Boards for the improvement of village water supply. No portion of the grant was earmarked for them, nor were they considered by the majority of Local Boards as entitled to preference over non-Panchayat villages in the distribution of the grant.<sup>25</sup> After 1927, however, upto 1938 definite though meagre allotments were made year after year, as in the case of roads, which were again augmented by the Government of India grant for water supply during 1935-36 to 1937-38, amounting to a sum of Rs. 26,919. The following statement shows the works sanctioned and Panchayats benefited under the water supply grants:—

*Provincial Grant (Water Supply)*

Year	Total Sanctioned (Rupees)	Works Sanctioned	Panchayat Boards benefited
1927-28 ..	30,825	192	171
1928-29 ..	99,751	373	331
1929-30 ..	1,21,054	474	464
1930-31 ..	1,20,232	572	441
1931-32 ..	85,092	152	136
1932-33 ..	59,737	216	174
1933-34 ..	92,325	311	275
1934-35 ..	44,100	142	131
1935-36 ..	58,868	170	163
1936-37 ..	53,001	210	198
1937-38 ..	30,000	124	124

25. *Administration Report of Panchayats, 1925-26.*

In 1938 half grants for rural water supply were stopped and the Government undertook the entire responsibility of financing rural water supply schemes. While the provision of new sources of water supply was undertaken by the Government, the maintenance and repair of such works were left in the hands of Panchayats. An initial grant of Rs. 15 lakhs was provided for the ten year scheme of protected water supply in the rural areas of the Province. "The considerations to be borne in mind in deciding priority of need are the acuteness of water scarcity in the village throughout the year or during a portion of the year as the case may be, the distance of the nearest source available, the prevalence of cholera and other water-borne diseases and the portability of water supply actually available". The District Collector under the supervision of the Board of Revenue is in charge of the execution of works under the scheme. But owing to the exigencies of the War comparatively little has been achieved in this regard. The figures of expenditure on the execution of the scheme during the period from 1939-40 to 1946-47 are given below :—

1939-40	Actuals	..	Rs. 4,18,886
1940-41	"	..	" 4,54,379
1941-42	"	..	" 6,24,682
1942-43	"	..	" 10,53,757
1943-44	"	..	" 10,18,633
1944-45	"	..	" 12,39,281
1945-46	(Revised Estimate)	..	" 18,78,4-4
1946-47	" "	..	" 25,12,000

8076 works have been carried out upto the end of 1945-46 and according to the post-war scheme No. 97, "that part of the first half of the ten year plan which still remains to be executed is to be taken up for completion in the next five years and the balance will be put through in the succeeding quinquennium".<sup>26</sup> The target aimed at is to cover every village in the Province with protected water supply.

It should be remembered that while the Panchayats are seriously handicapped by lack of funds in carrying out their normal duties, it would be unwise and unfair if any of the funds which the Government have been placing at their disposal in the shape of grants-in-aid are diverted to the financing of their rural development schemes, which is their responsibility. "A regular receipt of grants is legitimately counted upon by local boards as a supplement to their own resources, earmarked for definite purposes, and if they are arbitrarily cut down even to provide funds for rural development, the work of local boards is likely to be seriously disturbed and considerable

26. *Development and Reconstruction Plans of the Government of Madras—Pamphlet 6, p. 9.*



waste of funds will be involved".<sup>27</sup> It is therefore necessary that while the financial responsibility of rural water supply schemes and other reconstruction programmes might be borne by the Government, their execution and therefore the expenditure of the schemes should be effected as far as possible through the agency of Panchayats, subject no doubt to the supervision of the departmental authorities concerned.

#### Need for a Rational Financial Policy

It is clear from the foregoing that the system of grant-in-aid so far followed has not been of any substantial help to Panchayats. The regressive nature of local taxation may be corrected, to some extent, by a well regulated grants-in-aid system based on the principle of ability to pay. Equalization of the burden of local services and an equalization of the degree of development of these services should be the determining factor in evolving a suitable formula for the grant of subsidy. It must be based on the needs of an area and its ability to finance these needs. A rigidly uniform administration of grants, without taking into account the ability of the areas served, has hitherto tended to concentrate disbursement on areas which are well off comparatively, while the poorer Panchayats which often require much help have not been able to take advantage of Government subsidies for village improvements. Again, those which utilize their powers of taxation to the fullest extent and still remain in want are not treated better than those that have no financial responsibility. For, if the Panchayat village has no financial burden, the tendency will be to ask for unnecessary luxuries to the detriment of other needy areas. Already in 1929 the Second Registrar-General sounded a note of warning in this respect.<sup>28</sup>

If the villages are to be really improved, the Government must be prepared, besides financing all major services, to undertake liability to give an equivalent grant subject perhaps to a maximum of the amounts raised by taxation in any one village. This will go a long way in developing the sense of local responsibility on which alone local self-government primarily depends. Already in his Report for 1926-27, Sir T. G. Rutherford bore testimony to this fact when he said that the village institutions "have been quick to realize the advantages of Government grants and are accomplishing long overdue improvements to their villages" and that the Government grants have "stimulated in some districts quite a lot of unadvertised public spirit in the way of private contributions e.g. Tanjore District and Chingleput District." And he concluded by saying, "that villages which are really alive fully realize the advantages of Government grants which are only limited by their capacity to absorb them".

27. *Report of the Bombay Local Self-Government Committee (1939)*, p. 224.

28. *Panchayat Administration Report, 1928-29*.

To sum up, it is necessary that there should be brought about a change in the mentality of the people in favour of taxation in the form of money, grain or labour. Experience in this Province has shown that the difficulty in submitting the villagers to taxation is not so great as generally imagined, provided the villagers are convinced of the benefits accruing from local taxation which are more direct and immediate than those of Provincial or Central taxation. However, as has been well said "with the rapid growth in the means of communication, it is becoming increasingly difficult to localize the source of a man's income, which, after all, is the measure of his ability to pay taxes. In most countries the tendency has been towards the centralization of taxation and increasing provincial grants to local bodies. Decentralization is possible only in the field of expenditure."<sup>29</sup> In the scramble for funds between the Provincial and Central Governments, there is very little left indeed for local authorities to draw upon. It is therefore better that any help rendered by the Provincial Government to local authorities takes the form of grants from general revenues or even of loans, rather than a share in the proceeds of any particular tax, as there is no guarantee that they will get a continuously increasing revenue to meet their growing expenditure under the latter method. Panchayats have not been encouraged so far with ready loans by Government or District Boards. But, while encouraging Panchayats to take to loan-financing, it is very necessary that the operations must be drawn up with a critical eye to their financial stability without overstepping the margin of safety or imposing an unjustified burden on the rate-payers.<sup>30</sup> It is for Government to give Panchayats the needed help in the matter.

29. M. Venkatarangaiya in *The Economic Problems of Modern India*—Edited by R. K. Mukherjee, p. 447.

30. See K. Jayaraman, Article on "Loan Financing of Local Authorities", *The New Review*, Calcutta, October, 1943.

## CHAPTER VII

### STATE CONTROL AND SUPERVISION OF PANCHAYATS

Since local common good is but a part of the general common good, though it is not the business of the State to discharge a merely local function, it is certainly its concern and duty to supplement, assist and superintend it, to see that the local interests do not over-ride or clash with the general interests of the State as a whole. Thus the good and efficient working of local autonomy depends much on the interest and goodwill shown by the controlling and supervising authority. In other words, control must help autonomy and not hinder it.

#### Central Authority and Special Agencies

Under the Village Panchayats Act of 1920, the central authority for the whole Province was the Registrar-General of Panchayats who exercised supervision and control through honorary agencies and Taluk Board Presidents. Although the Act empowered the Provincial Government to make use of the District Collector, Presidents of District and Taluk Boards or other salaried or unpaid agencies for this purpose,<sup>1</sup> still as a matter of policy direct control through the Registrar-General was preferred. This preference for a Provincial Officer was a departure from the system that prevailed all along under which the District Collectors were the instruments of control over all local bodies. But after sometime the Government departed from this principle and transferred some of the Panchayats to the control of the Collectors on the ground that the growth in their number had made it difficult for the Registrar-General to supervise all of them.<sup>2</sup> It would have been better, at the same time, to strengthen the hands of the Registrar-General himself by giving him necessary staff for the purpose, as the experience of the years 1920 to 1930 had shown that the guidance of a Provincial Officer would be a guarantee of progress in Panchayat administration in all directions. When Panchayats were brought within the scope of the Local Boards Act in 1930, the Inspector of Local Boards and Municipal Councils was made the authority to represent Government and control Panchayat administration on their behalf through District and Assistant Panchayat Officers and latterly Deputy Inspectors, although certain powers of control over Panchayats have been conferred on District Boards and their Presidents as well. These relate to the inspection of property, works in progress, institutions like schools maintained by Panchayats, the office and records kept therein, the scrutiny of their budgets, taking

1. Section 38.

2. G. O. No. 1916, dated 3-5-1928.



action in default and reviewing their administration reports.<sup>3</sup> Most of these powers have now been delegated to the District Panchayat Officers who, with the Assistant Panchayat Officers under them, constitute the real connecting link between the Inspector and Deputy Inspectors of Local Boards on the one hand and the village institutions on the other.

### Ineffectiveness of Control by the District Board

In practice it has been found that the control exercised by the District Board is neither effective nor proper. For one thing, its President not being a wholtime officer is not able to give Panchayats that personal touch and guidance which a wholtime salaried official can; and secondly, whatever control is exercised by it is subject to political and partisan influences. Complaint is general that "District Boards are completely under the influence of party politics and they are apt to condemn or praise the work of Panchayats from a purely partisan standpoint and that this intrusion of District Board politics into villages has contributed to a great extent to the failure of Panchayats."<sup>4</sup> In fact, a former Inspector of Local Boards and Municipal Councils reported that the desire of Panchayats to divorce themselves from the control of District Boards is universal on the ground that "District Boards are in many cases hostile to Panchayats and that the Presidents are using their power over Panchayats for party purposes". Although the tendency even in England has been to invest county councils with certain powers of control over the parish and district councils, yet, as Finner observes, "Smaller authorities furiously resent the very idea of intermediate supervising bodies, and emphatically prefer direct connection with, and judgement by, the central departments. Obedience in public, as in private life, is more readily rendered to a distant power and the more reluctantly to those whose proximity enables us to know their passions, egoisms and ignorance".<sup>5</sup>

The District Boards also do not seem to be very enthusiastic about the continuance of the present connection with Panchayats especially after the appointment of District Panchayat Officers whom they generally look upon as usurpers of their former power over these village institutions, although there is little justification for their feeling so, as these officers have only replaced non-official agencies from whom whole time work could not be expected. Although the hands of these officials still need strengthening, their periodical inspections of Panchayats have already

3. For example, Sections 36, 37, 42, and 116.

4. M. Venkatarangaiya in *The Indian Journal of Political Science*, Vol. IV, No. 4, p. 352.

5. *English Local Government*, p. 288.

enabled the Inspector to control these bodies more efficiently than in the period 1920-1930, by invoking the punitive provisions of the law, removing bad Presidents or superseding and dissolving Panchayats that are badly managed. The discipline over and control of District Panchayat Officers are vested in the Inspector; and while being appointed by the Provincial Government their salary is being borne by the District Boards concerned. The Assistant Panchayat Officers are District Board servants; they are appointed by the District Board from a panel approved of by the Inspector who is also the authority to approve punishments imposed by the President, District Board. This dual control has led to much of the avoidable conflict between the District Panchayat Officers and District Boards in recent times.

### Inspecting Authorities

The appointment of District Panchayat Officers was sanctioned in 1932<sup>6</sup> with the object of securing the efficient supervision of Panchayats, the formation of new ones and their intensive development. Later, Assistant Panchayat Officers were appointed, and to-day there is one for every hundred or hundred and twenty Panchayats approximately. It was originally intended that the District Panchayat Officers should spend much of their time in the villages limiting scriptory work in the office to the minimum, and as such their main work in the early years consisted of constitution of Panchayats, conducting propaganda on their usefulness, giving them instructions in all general matters, nursing infant ones and conducting elections to all non-union Boards. The Assistant Panchayat Officers attended to all this work save that of conducting elections. The duties of Panchayat Officers have since been gradually extended both in intensity and variety. The District Panchayat Officer is to-day the election officer for conducting casual and general elections to all Major and Minor Panchayats in the district and to the District Board, the auditor for all Minor Panchayats in his jurisdiction, special officer for the newly constituted Panchayats and the presiding officer in conducting presidential election to the newly constituted or reconstructed Panchayats and the inspecting officer for all Major and Minor Panchayats in which capacity he reviews their financial position and administration during periodical inspections, scrutinizes their budgets and administration reports, judges the necessity for the several works proposed by the Panchayats and check-measures their works of a petty nature, reviews the Budget Estimates and Audit Reports of Major Panchayats, scrutinizes and submits half grant proposals to the Inspector, inspects the works under progress and renders all help for their speedy completion and, above all, watches and reports to the Inspector cases of defalcation and maladministration, which involve proceedings of surcharge, removal or

6. G. O. No. 3139, L. & M., dated 9-8-1932.

prosecution of Presidents or Vice-Presidents, and dissolution or supersession of the Boards as the case may be.

All this has meant too much of a burden on the routine side of administration with the result that the District Panchayat Officer has been neither able to control the work of the Assistant Panchayat Officers effectively nor render any constructive help to Panchayats, being busy all the time with his own diverse routine duties. For, it is in the nature of things that the District Panchayat Officer, having jurisdiction over 300 to 500 Panchayats in the District and with no adequate executive or clerical staff cannot give the numerous Panchayats that personal touch and individual attention so necessary for progress. Being pre-occupied with the work relating to the conduct of elections, the time he could spare for the effective supervision of Panchayats is very limited and in the personal experience of the writer, it has not been found possible to inspect all the Panchayats in the district even once in two years. Lack of sufficient executive staff in the district and clerical staff in the office of the District Panchayat Officer has led to much of the routine work falling on the shoulders of the District Panchayat Officer himself. And District Boards on whom lies the responsibility at present of supplying the necessary staff resent the very idea of undertaking any extra burden in this behalf. A District Board President, who was addressed for the creation of an additional Assistant Panchayat Officer for the district, wrote thus: "I agree with you that there is need for the creation of a third post of Assistant Panchayat Officer in the District, but I do not think that the District Board should be made to incur any additional expenditure on this account. The Board is already meeting the expenditure for two Assistant Panchayat Officers and their F.T.A. (Fixed Travelling Allowance) in addition to the pay and F.T.A. of the District Panchayat Officer. Under recent amendments to the Madras Local Boards Act, the little control which the District Board was exercising over the Panchayats has been taken away and transferred to the Inspector of Local Boards who is exercising direct control over the Panchayats, the District Panchayat Officer and Assistant Panchayat Officers. The Panchayats receive the half anna cess wherever they are formed. The Government have of late been adopting a policy of financing these Panchayats through the Inspector of Local Boards, the District Board not being even consulted in such matters. I therefore think that the District Board cannot be looked up to for incurring any additional expenditure in this matter. I do not therefore propose to move the District Board for the creation of the post under reference".

This is typical of the attitude of District Boards towards Panchayats and Panchayat Officers, and much of the friction and stagnation in administration can be traced to this spirit of hostility and rivalry on the part of District Boards. Being paid from the funds of the District Board, the District Panchayat Officer has sometimes to subordinate his will to that of the President



of the District Board. It is imperative, in these circumstances, to remove the existing dual control by dissociating District and Assistant Panchayat Officers from the District Board and making them full fledged Government servants, as it is only legitimate that the cost of supervision of local bodies should be borne by the State.<sup>7</sup> There is also need to raise the status of the District Panchayat Officer to that of other District Officers (e.g. District Educational Officer, District Health Officer, and District Agricultural Officer who are all of the gazetted rank), and give him more powers of initiation, direction and control, as he does not command much respect with Panchayats at present, and this is responsible, to some extent, for the lack of improvements in the Panchayats generally. He must be assisted by a sufficient number of Assistant Panchayat Officers of a better status (that of a Deputy Tahsildar); one at the headquarters to look to the routine side of work and in the interior at the rate of one for every revenue taluk. Under each Assistant Panchayat Officer, there must again be a body of Supervisors of Panchayats (on the lines of the Supervisors of Co-operative Societies) for every thirty or forty Panchayats, who must also be technically equipped to assist Panchayats in the preparation of estimates, execution and measurement of works as, at present, Panchayats are greatly handicapped by their dependence on the District Board Engineering staff for such purposes.

In short it is of the utmost practical importance that help, guidance, supervision and control should be near at hand and not removed to the District or even Taluk headquarters as at present. While the Assistant Panchayat Officers will be responsible for the work of the Supervisors in intimate touch with village conditions, and act in accordance with the instructions and policies issued from time to time from above, the District Panchayat Officer will be the pivot round which the entire district machinery would revolve. Not only the much needed personal touch and attention of Panchayats will thus be secured, but the energies of the District Panchayat Officer will also be released for more constructive work and more effective direction, supervision and control of the work of the executive staff than it has been possible hitherto.

#### Need for a Provincial Registrar-General of Panchayats

But the position over the Province is that it is difficult for the Inspector of Local Boards and Municipal Councils sitting at Madras or for his deputies at Bezwada, Vellore, Trichinopoly or Coimbatore to devote any real personal

7. Curiously enough the Madras Village Panchayats Bill of 1941 provided that the proceeds of the additional levy of three pies of land cess which it proposed should be utilized for meeting the cost of supervision.

attention to the numerous problems that arise in the village Panchayats. The general consensus of opinion is in favour of reviving the office of the former Registrar-General and making him the chief controlling officer of Panchayats. There is no doubt that much of the progress achieved in the period 1920-30 was due to control being vested in the Registrar-General. The advantages of direct connection between the Government and local authorities, which is the system prevailing in England, as distinguished from the continental system, have been pointed out by many writers on Local Government. "It has the merit of simplicity . . . . . and the wishes of Central Government have an immediate impact on local authorities, and *vice-versa*. On the continent there is a loss of time and mutual understanding due to the indirectness of central-local relationship, the intermediate authorities acting not only as channels but as insulators."<sup>8</sup>

While the need of a separate Provincial Officer for Panchayats is thus indisputable, it will nevertheless be necessary to think of the means whereby he could exercise his powers in the districts through agencies easily accessible to the members and Presidents of Panchayats. It has to be remembered in this connection that personal touch, in the literal sense of the term, and guidance are far more important than regular official control in many matters connected with village administration. As Drummond pertinently observes: "There is plenty of good material in the villagers, but it tends to be static and needs some dynamic force from outside to give it life. Rural India may be likened to a garden of fertile soil, which requires gardeners if its latent potentialities are to be developed."<sup>9</sup> It has been suggested in some quarters that to secure this end supervision should be left in the hands of a regional committee elected by the Panchayats themselves. Such an organization has all the defects of supervision by District Boards without its merits. Moreover, control and supervision of Panchayats involve a certain degree of technical equipment which cannot be normally expected of an amateur body of elected persons. The real solution lies in strengthening the existing district organization for supervision of Panchayats and making it more adequate for the tasks it has to accomplish.

#### Control by the District Collector

In the law governing Panchayats, as of other local bodies, the Collector, as the chief administrative officer of the district, has a few powers<sup>10</sup> mainly when dealing with emergencies—to direct or provide for the execution of any work or the doing of any act which the Panchayat is empowered

8. Herman Finer: *English Local Government*, p. 288.

9. *Panchayats in India*, p. 48.

10. Section 39 and 41 (3) of the Madras Local Boards Act.

to do under the Act, if it is necessary in his opinion for the safety of the public and may require that the expenses connected therewith be paid by the local body concerned, in priority to any other charge. Such action on the part of the Collector should, however, be immediately reported by him to the Government. In cases of default, he may also, with the previous sanction of the Government, require the person having the custody of the local fund to pay, in priority to any other charge, the expenses connected with any duty which the Government have already directed to be performed within a particular time. It must however be said that the exercise of such emergency powers is rare, and normally there is no interference on the part of the Collector with the day-to-day activities of Panchayats.

In recent discussions about reorganization of the machinery of supervision and control of Panchayats, the Collector has loomed large and the Madras Village Panchayats Bill of 1941 proposed to transfer all powers of control over Panchayats to the District Collectors, the Board of Revenue serving as a sort of an appellate and co-ordinating authority over them. The Madras Village Panchayats Act of 1946, which is being kept in abeyance, has retained the powers of the Collector in this regard, while providing, at the same time, for a Provincial Registrar-General of Panchayats in the place of the Board of Revenue.

The proposal to vest in the District Collector all powers of control over Panchayats is not a new one. The Royal Commission on Decentralization had laid stress<sup>11</sup> on the necessity that District Officers being in close touch with the villagers should look after Panchayats and considered that these village institutions should have nothing to do with District or Taluk Boards. Accordingly, the Government of India in their Resolution of 1918 gave it as their view that Panchayats should be kept apart, so far as possible, from other administrative bodies and should be under the administrative district staff. But the Madras Government did not place Panchayats under the administrative district staff, though Section 38 of the Madras Village Panchayats Act of 1920 empowered the Provincial Government to exercise control over Panchayats through the agency of the District Collector, as of other agencies like the District and Taluk Board Presidents. It was only when the number of Panchayats increased to such an extent that the Registrar-General was unable to exercise any detailed control and the non-official organizers with little influence and varying energy and enthusiasm could do little but give occasional advice that the impossibility of controlling from one centre Panchayats which had been increasing in number was realised and powers over established Panchayats were delegated to the Collectors. But before the effect of this could be gauged came a complete reversal of

11. Para 722 of the Report.



policy, and against the advice of the then Registrar-General, Panchayats were included in the scope of the Madras Local Boards Act. Even the popular Ministry in 1938 realised that District Boards with their large jurisdiction and many duties, could not be expected to supervise a number of Panchayats effectively and Sri Prakasam's draft Panchayat Bill of 1938 provided for the transfer of Panchayats to the control of the Collector and the Revenue Department. The Adviser Government only pursued the matter further and provided in their scheme for the control over Panchayats in the districts being vested in the Collectors, even after agreeing, at a later stage, to satisfy the popular clamour for a Provincial Registrar-General of Panchayats.

The main argument for placing Panchayats under the control of the Collector is that as the agency representing the Provincial Government on the spot, he can bring to bear a personal touch and attention on every Panchayat in the district and "as he has great local influence, at least until Panchayats have established themselves as effective agents for organizing the village community on the right lines and improving the present unsatisfactory living conditions in villages, they should have as guiding and controlling authorities the principal and most influential local officer and his staff." But, with a few exceptions, popular opinion has been against this proposal on the ground that the Collector is too busy with many other duties—and these are mounting up from time to time—to pay real personal attention to the Panchayats, with the result that the rule of the Collector will automatically devolve on his revenue subordinates, leading down the steps of the ladder to the rule of the Revenue Inspectors and Village Officers, between whom and the rural self-governing bodies there has been no love lost. Even those who are in favour of the Collector being the district controlling authority over Panchayats express distrust of his subordinates and feel that official meddling in Panchayat affairs is as bad as any mismanagement by the elected members of the Panchayats themselves. It is, in short, feared that there are so many occasions of conflict between the Panchayats and the Revenue Department of which the Collector is the head that the interests of the former are bound to suffer if he is to be the supervising and controlling authority over them as well. Moreover, "the combination of executive and judicial authority in him has made him so powerful that there is an apprehension that his control over Panchayats would deprive them of whatever autonomy they might otherwise possess."<sup>12</sup>

#### Collector as the Chief District Co-ordinating Officer

The Collector, it is well to remember, has been all along the administrative as well as the political head of the district and looked upon as "the

12. M. Venkatarangaiya in *The Indian Journal of Political Science*, Vol. IV, No. 4, p. 353.

living symbol of foreign domination." Although in recent years separate departments of administration like Engineering, Agriculture, Forest, Co-operation, Education, Registration, Health, etc., have been created and the district heads of these departments are controlled not by the Collector but by their own Provincial departmental chiefs at Madras, still the position of primacy occupied by the Collector in the district administrative organization has not been affected in the least and his power, prestige and influence practically remain intact. It is true that in the scheme of separation of the judiciary from the executive proposed by the Prakasam Ministry, the Collector was to be relieved of some of the magisterial powers exercised by him in practice, but even in that scheme he would still continue to be "the real chief executive administrator of the tract of country committed to him, and supreme over every one and everything except the proceedings of the courts of Justice"—a conception of his office as it became established after a number of experiments.<sup>13</sup>

In examining the role of the District Collector, his administrative functions must be separated from the political. From the administrative point of view, the question is whether, in addition to particular heads of departments, there is need for a general District Officer of the rank of a Collector. The Collector, it is well known, is responsible for the proper collection of the revenue due to the Government in the district and the administration of all matters connected therewith. As the head of the Revenue Department in the district, he is vitally interested in the successful work, and depends on the co-operation, of the engineering and irrigation departments which are in charge of the sources of water-supply, the forest department which provides facilities for the grazing of cattle, the co-operative department for the supply of cheap credit to the cultivators and the agricultural department for introducing improved methods of farming. Departments dealing with marketing and roads and other means of communication are also of great importance in so far as they facilitate the collection of revenue by the Revenue Officials. In view of the intimate connection between revenue collection and the work of these other departments, the Collector, as the head of the Revenue Department, has acquired certain general powers of supervision over them. Sometimes, action taken in one department produces adverse effects on the work of another department, while in others, a particular course of action may have to be adopted to achieve success in the work of another department. There must therefore be some agency to bring about co-ordination and harmony among the different departments of administration within a district. Hence it is that it has become the duty of the Collector "as the direct representative of the Government for all general purposes in the district, to keep

13. *The Indian Statutory Commission Report*, Para 308.

in touch with the activities of all the special departments and local boards in order that he may have a general knowledge of all that goes on in his district and be in a position to help and advise when required to do so."<sup>14</sup> And none can dispute the need for such a co-ordinating agency. "Within the district, co-ordination is required much more in matters of administrative detail than in questions of policy and planning. It can therefore be better achieved through an officer experienced in administration than through a political committee or head holding office for short periods and amateur in their character and outlook."<sup>15</sup> No attempt need therefore be made to deprive the Collector of his functions as a co-ordinating officer, as he fulfils an important administrative purpose in that capacity.

Although the role of the Collector as the chief co-ordinating officer of the district cannot thus be disputed in theory as in practice, the odium with which he is looked upon by popular opinion as an autocrat with his vast powers in the realm of law and order is responsible for much of the agitation that Panchayats should not be brought under his control, in spite of the undoubted practical advantages accruing therefrom. But a little thought will show that the autocracy of the Collector has very little to do with his position as the chief co-ordinating officer of the district. "He is autocratic not because of the co-ordinating powers which he possesses and which some body else should have, if not he—but because of the combination in him of the chief administrative and magisterial authority of the district and the control which he exercises over the police department with its vast powers of interference with the liberty of the individual.....The separation of the executive from the judicial authority and the reduction of the powers of the police are the proper remedies for the despotism of the Collector."<sup>16</sup> The proposed Madras scheme of separation of the judiciary from the executive limited though it is in scope, may achieve this end to some extent.

It must however be remembered that the autocracy of the Collector is not of the same character to-day as it was a generation ago. With the introduction of responsible Government in the Provinces, district administration is now carried on in accordance with popular opinion as reflected in the Provincial Legislature and Cabinet. The district officers are directly under the control of the Ministry and the Ministers themselves tour frequently in the districts, listen to the complaints of the public and give necessary instructions to the officials in redressing popular grievances. This apart, popular representatives of the district in the Provincial Legislature watch the administration of particular departments and any defects observed are brought

14. *Handbook of Information on the Administration of the Presidency of Madras*, 1939, p. 51.

15. M. Venkatarangaiya in the *Indian Journal of Political Science*, Vol. II, p. 288.

16. *Ibid*, Pp. 288-289.



to the notice of the District Officers and their departmental chiefs at the Provincial capital. There is also ample opportunity for them to ventilate their grievances on the floor of the Legislature. Above all, thanks to the development in the means of communication and the activity of the Press, the Provincial Government is much nearer the inhabitants of the district and any organized public opinion can make itself felt in the day-to-day administration. In these circumstances, there is nothing wrong if the Collector, as the chief executive administrator of the district, is made responsible for the control and supervision of Panchayats in the district, and there can be no doubt that with his great influence, power and prestige, Panchayats will stand to gain much and the present antagonism between the Revenue Department and Panchayats will vanish, yielding place to harmonious relations between them both.

One more significant fact has also to be remembered in this connection. In recent years Governmental activities of a miscellaneous character, activities which cannot be brought specifically under any one department but which taken together may have considerable significance—have been on the increase and the Collector, as the general district officer, is entrusted with all such work. Functions relating to the food administration, control and rationing of articles come under this category, and District Supply Officers and District Rationing Officers who have been functioning for some time now exist not as separate departmental heads but as deputies of the Collector who bears the primary administrative responsibility in that regard. Similarly, the Collector is assigned a vital role and responsibility in the successful execution of the rural development programmes of Government, and the Rural Development and Textile Officers appointed recently work not independently of the Collector but under his direct supervision, control and guidance. All this is in consonance with the growing recognition of the Collector as the chief co-ordinating executive officer of Government and not merely as the head of the Revenue Department in the district. With the growth in the social welfare activities of Government, work of this nature will no doubt become too heavy for the Collector, and the mounting character of his duties as indicated above is one of the strong arguments against placing Panchayats under him. But the remedy lies in strengthening his hands by providing him with an adequate body of deputies, at the rate of one to look after each branch of work and advise him on matters pertaining to it, as is being done already.

Thus if Panchayats were placed under the Collector the District Panchayat Officer should be made his deputy, in the same way as the District Supply Officer, District Rationing Officer and Assistant Textile Commissioner are in respect of their particular branches of work. The Collector as the controlling and supervising authority of Panchayats in the district would

then act not through his regular revenue men, but through the District Panchayat Officer and his executive staff who would be his direct subordinates in this regard. There has been so much of antipathy and conflict of interests between the Revenue Department and Panchayats that no progress can be effected in the rural areas if the revenue subordinates of the Collector have anything to do with either the District Panchayat Officer and his staff who must be wholly independent of their influence or with the control and supervision of Panchayats which must be the direct responsibility of the Collector acting through the District Panchayat Officer and his staff, subject of course to the general control of the Provincial Registrar-General of Panchayats.

#### **Need for a Unified Executive Agency for Rural Welfare Work**

The position at present is that there are diverse agencies working for the welfare of the villagers in more or less water-tight compartments, namely, (1) the District Collector acting through his revenue subordinates and other special staff, if any, (2) the District Panchayat Officer with the limitations attached to his office and working under the dual control of the District Board and the Inspector of Local Boards and Municipal Councils, (3) the recently appointed Firka Development Officers and others controlled and guided by the Provincial Government, and (4) the Officers of the Co-operative, Agricultural, Health, Education and other departments working independently of one another, without relation to the main agencies engaged in rural development and reconstruction. The need for co-ordinating all activities impinging on village life under one organization, so far as the non-technical aspect of the work is concerned, is urgent if our rural reconstruction programmes are at all to succeed and the money spent on them is to bear fruit.

If the Village Panchayat is to be the main local agency, as it should be, for the execution of the various welfare programmes of Government, the administrative machinery which is responsible for the control and supervision of Panchayats should also be entrusted with the task of co-ordinating and implementing all development schemes through its own organization. This will avoid overlapping administratively and effect economy in expenditure. What is required therefore is to merge the Rural Reconstruction Section in the Provincial Secretariat into the Local Administration Department and style it the Department of Local Administration and Rural Development. It should be the task of this Department not only to integrate the administration of local bodies at all levels, but also to co-ordinate all developmental programmes sponsored by the different sister departments in the Secretariat. The co-ordinated rural welfare plans thus emanating from it should be got executed through the agency of the Provincial Registrar-General, (who may be designated as the Registrar-General of Panchayats and Rural Development) and his staff in the districts, subject of course to the technical control and supervision of

the officers of the respective technical departments. If there is to be a common organization for the supervision and control of Panchayats and the execution of the rural welfare work as suggested above, there need be no separate Rural Development Officers either in the districts or over the Province.

The Registrar-General of Panchayats and Rural Development must doubtless have powers of control and guidance not only over the District Collector and through him the Panchayat staff in the district, but over District Boards or District Councils of Panchayats as they may be called, as well, as the only justification for their existence in future lies in co-ordinating the activities of Panchayats in the district from the administrative standpoint and acting as non-official district advisory bodies in relation to the Provincial Government in respect of all matters relating to Panchayats and rural welfare. The present Inspector of Local Boards and Municipal Councils will thus be relieved of his duties towards Panchayats and District Boards and confine himself to the control and supervision of Municipalities alone, in which case his designation may have to be changed into Inspector of Municipalities. He will of course work, like the Registrar-General, under the direction of the Department of Local Administration and Rural Development in the Provincial Secretariat.

### Need for a Training Institute

If the Panchayat is to serve as the main democratic administrative unit in the village not only for purposes of local administration but for all manner of collective activities—social and political—the Panchayat Officer who is to advise these village institutions on administrative policy and procedure and stimulate them to action should himself be trained, and there is much for him to learn. As has been pertinently observed, "It must be admitted that the officers of local authorities, the Councillors and even District Officers and others who advise or control the authorities have less knowledge of local administration in principle and in practice than is desirable."<sup>17</sup> A comparative knowledge of the working of Panchayats in the Province and also some idea of the principles of local administration in India and abroad are essential. While it would be necessary to institute special courses of training during the period of probation, preference in appointments should be given to candidates holding Diploma in Local Administration. The obviously wise method is to establish joint courses for Panchayat Officers, to be conducted by academic men and practical field workers who know the immediate problems of the village and have been confronted with difficulties of solving them in practical life.

17. Sir Edward Blunt—*Social Service in India*, p. 366.



"There is still needed an institute of social service training, established and maintained by Government and by the principal Universities and voluntary societies, in which courses of varying length will be held for social workers, urban and rural, official and unofficial, according to their education and past experience. Such an institute would be staffed by qualified teachers of economic and social science, and would cover in its courses an analysis of social welfare methods in other countries as well as a study of the needs of India".<sup>18</sup> There is already an institute in Madras, under Government auspices, to train supervisory staff of Co-operative societies. On the same analogy, an institute may be started to train the supervisory and executive personnel of Panchayats and other local bodies, and the courses should cover Rural Economics, Civics, Sanitation, Hygiene, Basic Engineering, Public and Local Administration, and Accounts as well. It is of the utmost practical importance that the cadre of supervisory and executive staff of Panchayats and rural development must be an expert one, being controlled and guided by a well-knit expert administrative organization at the Provincial capital.

#### Audit, Reviews and Appeals

An important instrument by which the State exercises control over local bodies is audit. It is a wholesome and indispensable check, a great and useful aid to the administrator to carry on his financial administration on safe and sound lines.

The audit of the accounts of Major Panchayats is being conducted by the staff of the Examiner of Local Fund Accounts. Till the year 1937, the audit of the accounts of Minor Panchayats in Madras was entrusted to the officials of the Revenue Department, and in the early years the services of Taluk Board Presidents and Honorary workers were also utilized for this purpose. But the accounts of only a few Panchayats were audited by such means, and even such auditing was sporadic and cursory. The system of annual audit was introduced in 1938, the work being done by the Inspector of Local Boards and Municipal Councils through the District and Assistant Panchayat Officers. But the system of biennial audit was again revived during the War, although experience has shown that annual audit is more conducive to efficiency. The accounts of Minor Panchayats are very simple and can be easily audited by the Assistant Panchayat Officers who can combine it with the work of supervising the administration also. But the number of Panchayats under each Assistant Panchayat Officer being too large normally, it would be necessary, to ensure efficiency, to appoint Supervisors of Panchayats for every thirty or forty Panchayats to help the Assistant Panchayat Officer in his work of supervision and audit. In the case of Major Panchayats the audit work is

18. *Ibid*, p. 396.

now being done by the lower subordinates of the Local Fund Audit Department. In the interests of efficiency it should be done by the District Inspector of Local Fund Accounts himself.

The powers of review in respect of audit and inspection of Minor Panchayats are vested in the Deputy Inspector of Local Boards concerned, while surcharge certificates are issued by the Inspector. In the case of Major Panchayats, the Examiner of Local Fund Accounts issues the surcharge certificates. Any person aggrieved by disallowance, surcharge or charge may, within fourteen days after receipt of the decision of the auditor, appeal either to the principal Civil Court of Original Jurisdiction or to the Provincial Government "which shall pass such orders" as deemed fit.<sup>19</sup> From any decision of the Civil Court, "an appeal shall lie to the High Court".

Government have also power to remove Presidents and Vice-Presidents of Panchayats for default or abuse of powers and duties.<sup>20</sup> This power has been delegated to the Inspector of Local Boards, and Government rarely interfere with its exercise by the Inspector, although in a few instances in recent times they have stepped in before the stage of notification and set aside the orders of the Inspector. Government have no power under the existing law to remove a member of the Panchayat although the necessity for such a provision has often been felt by Inspecting Officers. The removal of Presidents or Vice-Presidents is often done on the report of local officers. When the self-respect and prestige of a person are involved, the right to sue before a special tribunal or to appeal to the Provincial Government must be statutorily provided for.

While, therefore, there should be control to prevent unhealthy aberrations, neither should there be too much meddling with village life by those who do not live in it. And the distinction between control and management should be strictly observed. What is required is to entrust the work to the people's own representatives but give them guidance and encouragement with as human and personal a touch as possible. If this is done, most of the difficulties encountered in village administration to-day will be overcome.

19. Local Fund Surcharge Rules—Rule 6.

20. Section 43 (1) of the Madras Local Boards Act.

## CHAPTER VIII

### THE FUTURE OF PANCHAYATS

#### The Problem

"One of the most striking things about Indian Administration as compared with the administration of other parts of the world", said Dr. John Matthai only recently in the Central Legislative Assembly, "is that the quantum of Indian Administration is very much smaller than the problems of the country require. The trouble in our country is not so much that we are badly administered as that we are under-administered. It is possible to remedy the under-administration in the country by an effective system of local self-government. Local committees of various kinds with the public spirit and organization of a missionary can do a great deal to supplement the deficiencies of administration..... In a country like England, what makes up for the relatively small quantum of administration is the successful local self-government system they have there. It would be a very great help, indeed, if we could muster sufficient local spirit and organization in villages where the bureaucracy could not reach".<sup>1</sup> This, in short, is the crux of the problem in Administration to-day.

✓ Problems of local administration in our country have a tendency to be viewed from two broad standpoints, namely, the official or functional view and the popular or political view.<sup>2</sup> In the official or functional view, local authorities are looked upon as mere instruments for promoting social welfare and it does not matter very much whether these bodies are elected or not, so long as efficiency, which is understood as the capacity to produce expected results, is attained. In this view, elected bodies have no inherent superiority over salaried officials, as local administration was a thorough success when civilian officials like the District Collector and his subordinates presided over and administered local bodies, and it is only when the official element was dispensed with and the process of democratization set in that the efficiency of these bodies deteriorated leading to such evils as faction, nepotism and corruption.<sup>3</sup> It therefore exalts the principle of functional efficiency above everything else which should be the basic factor in evolv-

1. Reported in *The Hindu*, dated 12-11-1946.

2. M. Venkatarangaiya in the *Indian Journal of Political Science*, Volume IV, No. 4, Pp. 330-332.

3. K. Jayaraman, Article on "The Executive in Local Administration", in *The New Review*, July 1940, Pp. 20-24.



ing future schemes of reform. Opposed to this, is the popular view—which is the view of the majority of the intelligentsia in the country—that “good government cannot exist in the absence of self-government whether it be at the centre or the provinces or in smaller administrative areas”, “that there is a definite limit to the capacity of a bureaucracy to provide social services for promoting the welfare of the people, that this limit has already been reached in India, and that it is futile to expect that any further good can be secured through its instrumentality”.<sup>4</sup> According to this view, therefore, the only aim in all schemes of reorganization of local self-government should be to transform local bodies at all levels into full blown self-governing units, everything else being only of secondary importance.

This controversy however is not peculiar to India, and to a great extent it is the characteristic feature of the evolution of local bodies in many of the Governments of Europe and America. In England, for example, when after 1832 reform was undertaken to reorganize municipal and county governments, it was on democracy and autonomy that stress was laid, although in more recent times central control through the executive departments has become more pronounced. “Indeed, the history of local government in Great Britain during the nineteenth century might be described from one angle as the steady invasion by the Central Government of a sphere formerly left to local authorities. No picture of British local self-government could be more false than that which depicts the local authorities as enjoying the largest possible independence of outside control”.<sup>5</sup> In France, again, the debate is still going on between those pleading for the continuance of central control through the *prefects* and those advocating “the further liberalization of the Councils of Departments and Communes”, while in America protagonists of municipal and county home rule have been opposing the increasing activity of the States in the sphere of supervision and control of local bodies.<sup>6</sup>

An analysis of the nature of State control over local bodies in all countries including our own will however show that it is so minute and detailed as “to make the central government an essential factor in what is still called ‘local government’”.<sup>7</sup> In fact the age of local autonomy is gone for ever, with the nineteenth century doctrine of *Laissez Faire* and Individualism. While in our country the relationship between the Government and local authorities has been one of unequal partnership, the same tendency is noticeable in several

4. M. Venkatarangaiya in the *Indian Journal of Political Science*, Vol. IV, No. 4, p. 330.

5. *Report of the Indian Statutory (Simon) Commission*, Vol. I, p. 310.

6. Vide Lane W. Lancaster: *Government in Rural America*, Pp. 375-403.

7. W. Ivor Jennings: *A Century of Municipal Progress*, p. 450.

other countries in the name of Integration.<sup>8</sup> In these circumstances, the functional and popular standpoints should be regarded, not as opposed to each other, but as mutually complementary in character. The difference is merely one of emphasis. All administrative institutions have only a utility value—a truth overstressed by the functional view and apt to be underestimated by the advocates of democracy. At the same time, it should not be overlooked that at the present stage of political and constitutional development in India, “it is neither possible nor desirable to lose sight of questions relating to power, its sources, and its organization. In the temper and mood of the people to-day no administrative agency can function smoothly unless it has a democratic character behind it. The psychological obstacles to the working of a mere bureaucratic institution are too many”.<sup>9</sup> It is against this background that reform of village Panchayats, as of other local bodies, should be considered.

Experience has shown that improvements called for cannot be brought about by individual or voluntary effort and that collective effort organized and nourished by the State is the only effective means of bringing about social betterment. In fact, no one who knows the Indian village and has not allowed familiarity to breed indifference, can but be saddened by conditions at the bottom, when there has been an organized Government at the top for so many years. Living conditions in most of the villages which are inhabited by about ninety percent of the population are anything but satisfactory. Preventible dirt, disease and smells exist, roads are usually bad, housing conditions unsatisfactory, faction rife, waste of the very limited resources of the villagers almost universal (wasteful litigation, waste of money on marriages, festivals and drink, waste of potential manure) and chronic indebtedness is everywhere met with. The condition of the village community affects many millions vitally, the poorest section of the population particularly; herded together as it is and earning a bare subsistence, it is unable to maintain the minimum standards of healthy living, unless the community as a whole is properly organized to use its limited resources to the best advantage in regard to sanitation, water-supply, roads, village planning, to mention only their most important requirements, and is taught to avoid faction, wasteful spending and unwise borrowing. Hence from the strictly practical point of view of securing the greatest happiness, or as it might be better put the minimum suffering for the greatest possible number of people, the organization of the village community on right lines is the most important duty of Government to-day.

8. Herman Finer : *English Local Government*, Pp. 9-14.

9. M. Venkatarangaiya in the *Indian Journal of Political Science*, Volume IV, No. 4, p. 332.

### Features of the Modern Village Panchayat

There is of course the historical argument that from time immemorial down to the British period the village was the basic unit of administration in the country, that the village Panchayat not only supplied the inhabitants with all community services but also organized the defence of the village against external danger and that the best thing therefore is to revive it and have all the affairs of the village run by it. But as has been well said, "While there is much truth in the historical part of this argument, it suffers like all historical arguments from the fatal weakness that it ignores the history of recent times and identifies history only with the remote past".<sup>10</sup> As pointed out more than once in the course of this study, the village to-day is not what it was one hundred and fifty years ago. Many changes have taken place in the meanwhile. The ancient village community has broken up practically, and the increasing influence of village faction and of caste and communal friction, the absence of men of intelligence, integrity and character and the general apathy, poverty and feeling of helplessness on the part of the villagers, which are the characteristic features of the modern village, have had their inevitable repercussions on the working of Panchayats.

Successive official reports speak of Panchayat administration being hampered by party factions, resulting in such irregularities as failure to take prompt and effective steps to collect arrears of taxes, indiscriminate assessment of house and profession taxes, undue remittances and writes-off, expenditure without sanction or appropriation, retention of heavy cash balance, inaction and negligence, and embezzlement, misappropriation and defalcation in the case of the more daring of the Panchayats. Although most of these defects are being set right in Major Panchayats by the appointment of whole-time Executive Officers to look to the executive side of administration, it cannot be said that they are not prevalent among the vast majority of Minor Panchayats as well, whose Presidents are often ignorant of the rules of procedure and where owing to the impact of party and personal influences the administration has often been brought to a stand still. A senior Collector in a report to Government in 1940 said, "Hardly ever do we hear a good word of these Panchayats. . . . . The Panchayat Board election is at the mercy of the village faction. . . . . Panchayat Boards are like sheep without a shepherd. The villagers do not look to these Boards, as a rule, to make village life more comfortable or healthy".

A typical instance of decadence, apathy and unwillingness to shoulder any financial burden is furnished by the Mangalampet village in the South

10. *Ibid*, p. 334.



Arcot District. It is an important trading centre on the road connecting Vriddhachalam with Ulundurpet. It was once a Union Panchayat with an income of over Rs. 2,000/- including house tax. The only sources of income to the Panchayat in recent years were land cess and licence fees totalling to about Rs. 250/- a year, besides *mahimai* tax amounting to Rs. 180/- per annum which was however not levied regularly. In spite of such a precarious financial basis, the Board had been incurring annual recurring expenditure of Rs. 625/- (mostly on establishment and electric lighting charges) which was met by systematic withdrawals from the investment of the previous years. The result was that on 7-1-1944, the Panchayat had a bank balance of only Rs. 20-9-7 and a cash balance of Rs. 10-8-0, while unrealized amounts from *mahimai* and other non-tax sources totalled to Rs. 237/-. The Board had shown financial incompetence to such a degree that even at that late hour it was not prepared to restore the levy of the house tax and tap other sources like the opening of a market or a cart-stand which could yield considerable revenue on account of the importance of the place as a trading centre. Supersession was tried—the Panchayat was placed under a Special Officer—but in vain. The Special Officer met with a good deal of opposition including physical violence to his person, and the Panchayat was ultimately abolished in 1946.

✓ Faction is of course one of the greatest curses of village life. It stultifies progress, produces wasteful spending on unnecessary litigation, encourages the law tout and incidentally crime, and generally lowers the whole tone of village life. Only too often does a Panchayat Board election witness the triumph of one ignoble faction over another, and these elections sometimes produce faction where none existed, or at least where faction was dormant. The victorious faction headed by its President is interested mainly in helping its own party and doing damage to the other side, and the general interests of the village as a whole are thereby neglected. A faction leader is only too often a rowdy and an ignoramus, and the administration becomes hopelessly bad. Frequently the President is unfit, even apart from faction, to administer the affairs of the village satisfactorily, because elections have become such unpleasant affairs that men of some status and education that are still found in the villages are generally not prepared to offer themselves as candidates for the election. In short, a combination of 97 to 99 percent illiteracy in the village and the elective system together with faction has resulted frequently in ignorant and unsuitable men being elected as Presidents and members of Panchayats.

Those who have been appalled by the inefficiency, corruption and intrigue which prevail in many of these bodies may no doubt be inclined to think that the best thing we could do with local self-government is to abolish it. But that would be like throwing out the baby with the bathwater. Neither is there

the need of abolition of elections and their substitution by the selective system. Any local governing institution which does not rest on a democratic basis obviously cannot succeed either in effecting the desired improvements in village life or in evoking popular enthusiasm which is so essential for achieving results. The problem to be faced at present however, is more administrative than constitutional. It is whether the President of the Panchayat should also be its executive head, or, whether he is merely to preside over its deliberations and influence policy-making, leaving the actual conduct of administration to an expert salaried officer. Efficiency demands the latter alternative. A practically complete division of executive authority from policy control, vesting the former in a competent and specially trained body of public servants, is obviously the first requirement.

It is unfortunate that almost throughout the problem seems to have been viewed more from the political than from the practical administrative point of view. This is clearly admitted in Lord Ripon's famous Resolution of 1882 advocating the extension of local self-government where he says: "It is not, primarily, with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education". This stress on the political aspect of the reform is understandable in a country under alien rule, where political progress began with the introduction of local self-government. As events have turned out, however, people have become politically educated or at least politically minded, but real basic education which means a capacity to manage the affairs successfully has by no means kept pace with the spread of politics into the villages. Most of the ten per cent of the literates live in the towns; perhaps two per cent of the villagers are literate. When, coupled with this, we get poverty and the struggle for existence, it can hardly be expected that the ballot box alone, without close supervision and expert guidance, is going to produce a man fit to run a local body and perform the complex executive and other duties under the law. The only hope that these elected bodies might make a success of village administration consisted in close supervision and control by influential District Officers, but this has been denied to them. Instead, control is vested partly in a District Board President who, as a non-official, without an executive officer to help him, has already his hands full, and in the Inspector who is expected to carry the main burden of supervising controlling and advising over 7,000 Panchayats, 80 Municipalities and 24 District Boards. The result is that the immediate supervision has been left with the District and Assistant Panchayat Officers who have little or no influence with the Panchayats, struggling as they are under the divided control of District Boards and the Inspector. Experience has shown that "with honourable exceptions, Presidents of District Boards have shown little or no interest in the development of Panchayats so far. In these circum-

stances, it appears to be bad policy to transfer the initiative from the hands of the Government to those of Presidents of District Boards."<sup>11</sup> The vast administrative experience of the Collector and his general knowledge of the whole district, which would be of material advantage in guiding the administration of Panchayats, through paid executive officers and a well organized district supervisory staff, under the guidance and control of an expert Provincial agency, should therefore be made available to these village institutions without delay.

### Village Unity is Still Alive

The village is the one natural unit of administration where the inhabitants have real community life far transcending distinctions based on caste, creed or sect. The sense of village unity is still alive and many matters of common interest are still settled in a caste meeting or by a circle of responsible men sitting in the village meeting house or under the shade of a tree, and certain very disputable questions like the distribution of a total sum assessed as land revenue over the lands of the village or the rotation of the supply of canal water to the cultivators of fields on each outlet from the canal are referred to by the departmental representatives of Government to the village community and only decided by official order in those cases where no agreement is reached. Herein lies the strength of the modern village which must be fostered. Yet, the spirit of individualism has penetrated the village as it has done the town and elders find it difficult to influence public opinion and exact customary service from the village menials as in the past. Statutory support for their authority has obviously become necessary, since a feeble but slowly growing desire is even perceptible among the villagers for the right to manage their affairs.

In fact, "the Panchayat has powers far exceeding those of the English Parish Council, although less than those of a French Commune."<sup>12</sup> The powers are of course inadequately used by most Panchayats. "Village opinion is backward, cautious or conservative and the Panchayat cannot, or cannot usefully, force on the villagers an improvement which they do not themselves desire."<sup>13</sup> But the Indian villager, in spite of his lethargic habits, is not unwilling to change his outlook and improve his standard of living, if he is shown a way out and given necessary assistance. In spite of the several defects noticed, one cannot deny that Panchayats have been rendering useful services to the village community which neither the District Board nor the State by itself can hope to provide. It is impossible for any outside agency

11. G. O. No. 1198, L. & M., dated 11-3-1929, p. 8.

12. Sir Edward Blunt—*Social Service in India*, p. 364.

13. *Ibid*, p. 364.



to attempt to provide the villages with every one of the local amenities which the local population need. The Panchayats are the only local organizations which can be expected to look after the villagers' needs successfully. As showing what can be done through the Panchayat organization when properly worked, T. G. Rutherford cited in his Administration Report for 1930 the case of the Kotipalli Panchayat in the East Godavari District which managed and expended an income of Rs. 13,700/- with establishment charges of only Rs. 300/-; its income consisted of taxes, Government half grants for works, contributions from the District Board and the Vizianagaram Samasthanam for festival management, and besides carrying out improvements to water-supply and communications it managed a large festival, maintained a dispensary and attended to the lighting and sanitation of the village. Such sane and well-administered Panchayats are still found (though they are few and far between) side by side with unruly and fiercely factious bodies.

It is true that while Panchayats do not lack means of raising revenue to carry out improvements, "to persuade villagers to tax themselves is up-hill work."<sup>14</sup> But the variety of taxes and fees which at the request of Panchayats have been sanctioned during the last twenty years and more in this Province must clear the doubts of those that despair of ever persuading villagers to bear an additional burden over and above the taxes paid to the Central and Provincial Governments, provided the effectiveness of expenditure that can be appreciated by them on the spot is bought home to the villagers. An easy way of circumventing the peasants' reluctance to pay is the supply of voluntary labour, *in lieu* of rates, which is still prevalent in many parts of this Presidency. Village roads, for example, may be got repaired by a *levee enmasse* better than by a levy in cash. This is a very convenient form of contribution for the villager to make. It saves a good deal of trouble and middle-men's profits. The quality of the work turned out will be far better. Above all, every member of the village community will consider the product of the common labour as his own and this goes a long way to cut down the repair and maintenance charges. Incidentally it helps to inculcate a spirit of camaraderie among the villagers.

The policy that is likely to meet with the maximum of success is to encourage Panchayats, before they think of fresh taxation, to exploit sources of revenue which the village community has for years been tapping informally and to regularize their collection and administration. A Panchayat when established ought to represent the village community in all respects and the non-tax resources which have in the past been indifferently collected and inefficiently administered on behalf of the villagers in common should be placed at the disposal of the Panchayat which *prima facie* is bound to administer them in a more

14. *Ibid*, p. 364.

satisfactory way. All the same, a judicious distribution of grants on the basis of the needs and ability of the areas concerned will go a long way to equalize the burden of local taxation and foster the spirit of local responsibility. In short there is the educative effect of possessing powers of self-government, even if inadequately used, and it is for this reason, if for nothing else, that Panchayats should be universally constituted in every village on a democratic basis, irrespective of considerations of size, population and wealth and armed with representative, regulatory and service functions along the lines already indicated.

### Lines of Reform

The real reason for the decadence of our villages is that the people of the village ceased to be a community; they became a mere collection of individuals inspired by no common aspirations and strengthened by no common achievements of which they could be proud. These conditions are however fast changing and the villages stand to achieve an economic stability which will provide the foundations of a new sense of community of interest and of community of life. For one thing, the growth of democratic institutions and practice is bound to add to the influence of the villager as a voter; and whether he likes it or not, new responsibilities will be thrown upon him which he should be guided to bear and discharge satisfactorily. For another, the advent of electricity and the spread of industries to the countryside in its wake have considerably enhanced the economic importance of the villages; while the growth in the means of communications tends to make many villages suburban and therefore attractive even to those who in the past felt village life boring. Above all, it is now being increasingly felt that the future of India depends upon an intensive development of her agriculture and this means the introduction of improved methods through collective or, better, co-operative farming or, as some suggest, the 'industrialization' of agriculture. In other words, what may be called the economic centre of gravity is shifting or is bound to shift to the village. The village Panchayats properly organized in the light of the new developments may become an efficient forum for the villagers to discuss their common affairs and order them, through their own 'cabinet', in the manner which best satisfies their needs. This is the role which Sri N. Gopalaswami Iyengar—whose great pioneering work in the field would have met with far greater success than it has, had the Government of the day given him the requisite support for his moves and ideas—assigns to the Panchayat.<sup>15</sup>

If the village community is to become a living entity and the Panchayat its 'cabinet', it follows that there can be logically only one

15. Address at the Second Annual Conference of Representatives of Village Panchayats of the Province, reported in *The Hindu*, dated 16-5-1947.

Panchayat for a village. As stated more than once in the course of this study, a multiplicity of Panchayats—one for health, one for food, one for irrigation, one for justice, one for forests and so on—will only lead to confusion, lack of co-ordination and dissipation of authority. The political and administrative spheres may be assigned exclusively to the Panchayat proper, while the economic functions such as the bulk purchase of materials for the farmer, the sale of his produce, the supply of necessities like cloth and kerosene, manure, implements and seed may be passed on to the co-operative society. There are of course limits to the functions of these local organizations, and in these days when life has become complex and communities widely separated by distance depend on one another, the local organizations cannot function efficiently in isolation in respect of many activities. Moreover the village may be too small a unit for certain purposes; but the remedy is not to deny it its autonomy or thwart its urge for useful endeavours, but to put it in contact with wider bodies.

No doubt, the tendency now visible in England, Europe and America towards the amalgamation of urban and rural authorities and the constitution of regional boards for services of a specialized and technical character, embracing a number of local jurisdictions, is likely to be increasingly felt in our country. "The independent village", remarks a recent writer, "has gone for ever. The only alternative to the complete subordination of the countryside to the town is the adoption of the rural region as a cultural and social unit, parallel to that of the town. The choice is no longer between village and town but between the rural region and the town. Unless we can interpose the rural region between the village and the town, the village is doomed.... The modern transport that will otherwise transform our countryside into a vast and far-spread suburb can here be our friend—it can make the rural region compact and accessible from all points and can weld it into a genuine social unity."<sup>16</sup> Of course Taluk Boards have become superfluous in Madras and Bengal and are reported to be unsatisfactory in Bombay. "The result may be that only the Panchayats, big and small, and the District Boards will survive, and groups or conferences (or Joint Committees) of Panchayats may be informally organized to negotiate (with the higher authorities) when necessary. Above the District Boards, a series of technical authorities—an Electricity Commission, a Provincial Highways Board, a regional board for Secondary Education, may come into existence to meet particular needs and be composed of representatives of Government, the local bodies, and possibly some co-opted persons with special knowledge."<sup>17</sup>

Already the various reconstruction plans in Madras have proposed that the administration of roads other than village roads, water-

16. H. Morris in *Public Administration*, October 1938, p. 400.

17. *Social Service in India*—Sir Edward Blunt, Pp. 369-370.



supply and drainage, medical relief and education should be either provincialized or entrusted to separate public bodies to which the name 'intermediate government' has been appropriately given. These will occupy a position midway structurally between local bodies properly so-called and the Provincial Government. The Highways Department which has been already constituted by the Madras Government and the Board for Water-works and Drainage proposed by the Madras Reconstruction Committee may be cited as examples of this tendency. The services such authorities would be called upon to perform being largely of a technical and specialized character, the executive must be suitably trained. The effect of this development may no doubt be to deprive local bodies of most of the functions in the sphere of Public Health, Education and Communications which have long been recognized to be peculiarly theirs. But even after all the new and complex functions of local administration have been adequately provided for by the creation of appropriate agencies, there would still be functions and purposes of a purely local character which could be best discharged by agencies on the spot. "The strength of local government" as has been rightly observed, "comes from the possession and knowledge of common needs and interests."

Serious curtailment will of course be necessary in the sphere of District Boards if specialized agencies for managing services like Public Health, Education and Communication have to be created in view of their national importance. The logical course would be to reduce the role of the District Board, as already stated, to that of a co-ordinating authority over the activities of Panchayats in the district. District Boards, as suggested by Sri N. Gopalaswami Iyengar, "might be replaced by District Councils whose function it would be to oversee all aspects of district administration and either take action themselves within the sphere allotted to them by statute or give advice or state their views on other matters. It may not be wise to remove the district organization so as to create a gap between the village organization and the provincial administration at the top; there must be some 'district body' between the two".<sup>18</sup> Divided into strong executive sub-committees according to the different zones of the district, the District Board, in cases where particular Panchayats, for one reason or another, have not been able to function or provide the necessary service under their charge, may step in and undertake the obligations thereof till such time as the Panchayats concerned are fit enough to resume their duties and function in a normal way. In relation to the Provincial Government it may act in an advisory capacity in all matters relating to Par

18. Address at the Second Annual Conference of Representatives of Village Panchayats of the Province, reported in *The Hindu*, dated 16-5-1947.

chayats and rural welfare. Indirect election to District Boards may be preferred and the members of the Village Panchayats in the district might form the electorate for the purpose. This will save a good deal of partisan and personal feelings and antagonisms which are associated with direct elections and also facilitate co-operation between Panchayats and District Boards.

It is however futile to expect that the modern Panchayat "which is a reconstitution for new purposes and on an altered foundation of a body which had formerly a traditional authority and was employed for purposes familiar to all residents of the village, will establish itself and succeed in taxing an unwilling electorate, unless both the members of the Panchayats and the rural population as a whole are taught the value of the powers in their hands and trained in their use."<sup>19</sup> Such training may be given not merely by means of propaganda and conscious civic education, but by supplying the unremitting help and guidance needed by the Panchayats for playing their role in village life. While control should no doubt be exercised by the State to secure the "national minimum" and to prevent local anarchy, it is equally vital that any change contemplated should be directed towards encouraging the confidence of the inhabitants of any area in their representatives and their interest both in election of these representatives and in the provision of the services in the area. As Dr. Robson pertinently observes, "There is no known method of testing or even ascertaining the civic consciousness. Yet, it nevertheless exists and is the vital spark which illuminates all the varied activities of a local council."<sup>20</sup> The fundamental point is that where some obvious local need exists, the local authority ought to be empowered to satisfy it without being hindered through lack of express statutory authority. It should be remembered that Local Self-Government is not merely a generous concession made by the State to its units, not even a more effective method of getting local affairs attended to than is possible by an over-centralized administration; it is in fact a moral duty in which the State would fail, if by over-centralization it deprived the citizen of the rich experience he would gain by taking his due part in local administration.

19. *Social Service in India*—Sir E. Blunt, p. 365.

20. *Development of Local Government*, p. 185.





## GLOSSARY

- Angadjickuli*—Shop rent.  
*Archaka*—Priest.  
*Aya*—Revenue.  
*Ayacutdar*—One holding land under command of an irrigation channel.  
*Battai*—Pathway.  
*Chatram*—Choultry.  
*Chavady*—Rest house.  
*Donka*—Pathway.  
*Eri-ayam*—Tank cess.  
*Ganas*—Small parts.  
*Gramadrohin*—Traitor to the Village.  
*Gramakantam*—Village site.  
*Havirbali*—A kind of offering.  
*Inams*—Gifts.  
*Inavari*—Probably means a tax on castes.  
*Iraikaval*—A lump-sum received in advance by the *Sabha* for the purchase of land on behalf of the temple.  
*Kadamai*—Land tax or revenue.  
*Kalam*—A grain measure capacity varying from district to district: 24 Madras measures in the Tanjore District and 36 to 45 Madras measures in other districts like Trichinopoly, South Arcot, etc.  
*Karnam*—Village Accountant.  
*Karthigai*—A Tamil month (mid-November to mid-December).  
*Kasu*—Gold coin in Chola times which weighed about 23 grains troy.  
*Kasukadamai*—Tax in money.  
*Kavalkaran*—Watchman.  
*Kolagaram*—See *Mahimai*.  
*Kizhvaram*—The cultivator's share of the produce.  
*Kudimai*—Tenancy obligations and rights.  
*Kudimaramat*—Work relating to the repair of irrigation channels.  
*Kuzhi*—1/300 of an acre.  
*Ma*—1/3 of an acre.  
*Madhyastha*—Arbitrator or mediator.  
*Mahasabha*—Great assembly.  
*Mahimai*—Otherwise called *Tharagu* or *Kolagaram*. It is a tax of the nature of Octroi levied in villages on the purchase or sale of village produce or on produce brought for weighment at the time of sale in the village.  
*Mandalam*—The biggest administrative division in Chola times.  
*Manram*—Place of song, dance and other social amusements (probably under the shade of a tree in the centre of the village) in ancient South India.  
*Mathas*—Monasteries.  
*Melvaram*—Landlord's share of the produce.  
*Meras*—Remuneration in kind.  
*Nadu*—An administrative division in Chola times, analogous to the modern district.  
*Nagaram*—Urban area.

*Nagarathar*—Urban folk.

*Nattam*—Village site.

*Nattar*—District representatives.

*Niranikkam*—One engaged in regulating the distribution of water for irrigation.

*Padikaval*—Remuneration for keeping watch.

*Panchavara* (Committee)—Connected probably with a levy meant to provide against famine (See Page 3).

*Panjam*—Famine.

*Palam*—1/40 of a viss.

*Pariah*—Untouchable.

*Patta* (fields)—Lands assigned by right.

*Poromboke*—Land reserved for purposes other than cultivation.

*Punta*—Pathway.

*Puja*—Worship.

*Rajadrohini*—Traitor to the king and therefore to the country.

*Sabha*—Assembly.

*Samudayam* lands—Lands belonging to the community.

*Senapati*—Commander of the army.

*Sutras*—Verses.

*Talayari*—Village watchman.

*Tari-Irai*—Tax on looms.

*Tharagu*—See *Mahimai*.

*Tiruvaimoli*—A kind of hymn to Thirumal or Lord Vishnu.

*Tope*—Avenue.

*Ur*—A kind of primitive organization of the local people, probably the successor of the *Manram*.

*Urar*—Residents or assemblies of the *Ur*.

*Variyam*—means executive work, committee or some office or privilege held by an individual.

*Variyar*—One carrying out the executive work (of the *Sabha*).

*Vedanta*—Philosophy.

*Veli*—6½ acres of land.

*Vettiyan*—Village menial.

*Vyakarna*—Grammar.

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